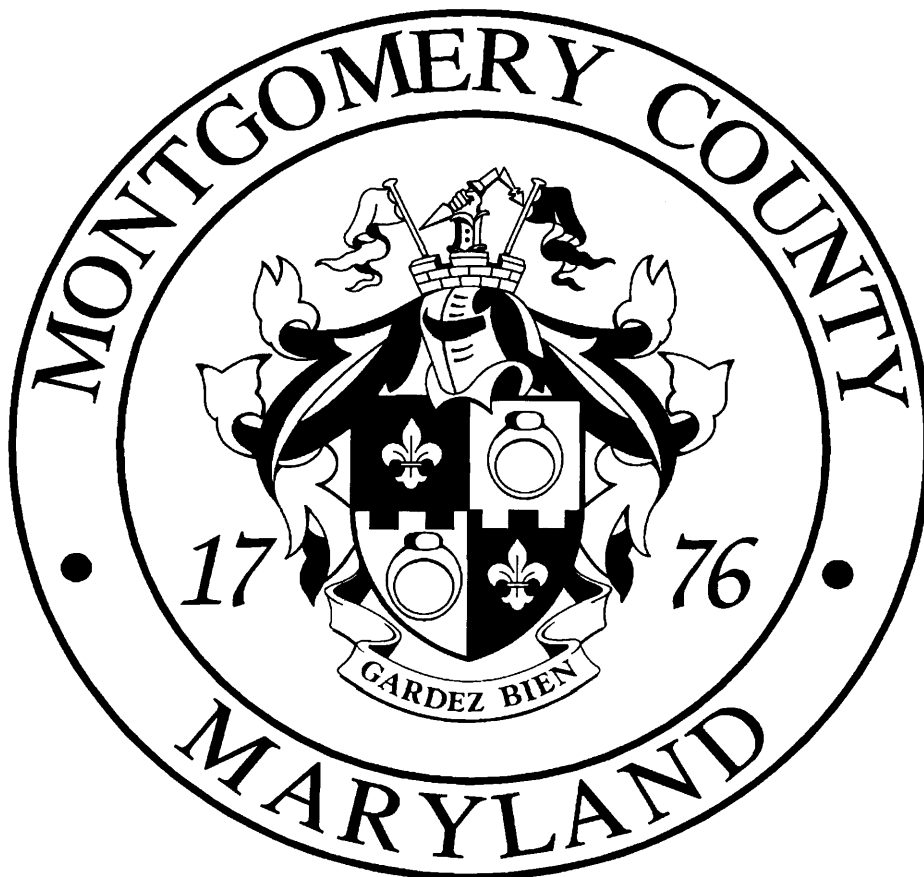


Office of  
**The County Attorney**  
**MONTHLY REPORT**



**Charles W. Thompson, Jr.**  
**County Attorney**

**July 1, 2003**

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# County Attorney's Monthly Report

Montgomery County, Maryland

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## *INDIVIDUAL CASE REPORTS*

### ADMINISTRATIVE ACTION

#### Board of Appeals

##### GREENACRES V. BOA

Board dismissed petition for riding stable special exception due to failure to meet acreage requirements. Petitioner sought refund of filing fees and appealed dismissal to Circuit Court. County moved to intervene for limited purpose of moving to dismiss appeal based upon Petitioner's inconsistent position. Parties filed consent motion for stay of appeal pending possible legislative solution. \* Court appears to have granted the County's motion to dismiss. The parties may move to set aside the ruling because the case was to be stayed. (ROYALC)

### **Board of License Commissioners**

#### **BLANKENSHIP V. BLC**

Blankenship, et al. v. Board of License Commissioners, CCMC, Civil No. 236836, WMS 03-592. Appeal of Board decision to fine licensees for selling alcohol to a minor and to suspend licensees' alcohol license for selling to intoxicated persons. Petition filed September 30, 2002. Response filed November 13, 2002. Licensees' memorandum filed December 13, 2002. BLC memorandum filed January 31, 2003. Hearing held May 7, 2003. \*Judge Thompson affirmed decision in part (sale to minor) and remanded in part (sales to intoxicated persons). (FERBEB)

#### **PLEITEZ V. BLC**

Pleitez v. Board of License Commissioners, CCMC, Civil No. 238910, WMS 03-593. Appeal of Board decision to revoke licensee's alcohol license for keeping on the licensed premises several hundred bottles of alcohol which had not been purchased from the Department of Liquor Control. Petition filed December 19, 2002. Response filed February 6, 2003. Licensee's memorandum filed April 10, 2003. \*Case dismissed with prejudice May 29, 2003. Judge William J. Rowan (FERBEB)

### **Commission on Landlord Tenant Affairs**

#### **MTAKPUO PETITION FOR JUDICIAL REVIEW OF DECEMBER 2002 RENTAL FACILITY LICENSE DENIALS**

CCMC, Civil No. 238894. Petitioner filed Petition for Judicial Review of Landlord-Tenant Commission's decision to affirm the Department of Housing and Community Affairs' denial of Petitioner's application for three rental facility licenses. \*Hearing was before Judge Thompson on June 18, 2003. Judge Thompson affirmed the Commission's decision. (WEILJ)

### **County Council**

#### **HUMPHREY APPEAL**

\*Appeal of Planning Board decision to approve site plan and preliminary plan. Appeal challenges validity of ZTA 02-04. (ROYALC)



### **Department of Housing and Community Affairs**

#### **APPEAL OF HARALD LEUBA**

Appeal of denial of waiver from requirements of Section 48-24A(d) of the County Code. Mr. Leuba seeks the waiver so that he can store a bus in his yard. \* Hearing has been scheduled for June 4, 2003. Mr. Leuba has requested a continuance of the hearing. (SPICEM)

#### **APPEAL OF KUO**

Kuo appealed condemnation notice for building in Silver Spring. Board dismissed appeal. \*Board of Appeals denied appeal. Time for appealing that decision to the Circuit Court has expired. Kuo has retained contractor to remove asbestos from building and is marketing the property. (ROYALC)

#### **PETITION OF SLOANS**

Sloans challenged DHCA's decision to refuse to renew Sloans' secondhand personal property dealer's license. Sloans filed TRO and administrative appeal in Circuit Court. TRO was denied. Appeal is pending. Sloans has filed for bankruptcy protection and has not yet further pursued the matter. Sloan's sold its name and assets to purchase group that includes one insider. Bankruptcy case will be converted to a Chapter 7 liquidation. Circuit court appeal has been dismissed. Sloans is now operating under a new name. The new Sloans entity has filed an application for a new license.\* The license was granted. (ROYALC)

### **Department of Libraries**

#### **THACKSTON V. DAVIS COMMUNITY LIBRARY**

Thackston filed a complaint with the Maryland Human Relations Commission alleging denial of public accommodation. County has responded. Thackston has withdrawn the complaint. (ROYALC)

### **Merit System Protection Board**

#### **NASH, WENDY V. MONTGOMERY COUNTY MERIT SYSTEM**

CCMC Civil No. 238520. Administrative appeal of the decision of the Merit System Protection Board that back pay is to be offset by earnings during dismissal. Petitioner filed motion to postpone appeal pending other issues still before the Board. Postponement granted. (WINDLA)

TOBIN, ROBERT V. MONTGOMERY COUNTY MERIT SYSTEM

CCMC Civil No. 239216-V. Administrative Appeal of the decision of Merit System Protection Board that grievant is not entitled to individual relief in promotional grievance. County has cross appealed decision of Board that promotional process is flawed. County withdrew cross-petition. Oral argument July 3, 2003. Petitioner's memo of law due April 4, 2003. County's memo due May 15, 2003. (WINDLA)

Office of Human Resources

HEINRICH, GEORGE LT.

CCMC, Civil No. 227958, WMS 97.07355. Police Lt. Heinrich appeals MSPB dismissal of his grievance regarding lack of promotion. \*A hearing was scheduled before Judge Pincus on May 14, 2003, but the parties jointly waived the hearing. On May 14, 2003, Judge Pincus entered an Order remanding the Heinrich case to the Merit Board with instructions that the Board provide a statement of the facts that the Board found that supported the Board's decision to grant Mr. Heinrich the remedy of priority consideration. The Merit Board is now in the process of reconsidering the Heinrich case on remand. (STEVED)

APPEALS

Board of Appeals

FREESTATE AVIATION ASSOCIATES V. BOARD OF APPEALS

· CSA No. 2734; CCMC No. 232084. Appeal from Board of Appeals' decision affirming DPS view that construction at the MC Airpark required building permits. Construction performed by lessee at Airpark. Case to proceed without prehearing conference. \*Appellant's brief due July 15; County's brief due August 14; oral argument during November session. (FEDERK)

### **Board of Education**

#### **CURTIS V. GORDON, ET AL.**

CSA 2029, CCMC, Civil No. 211285. Plaintiff sued principal and acting BOE deputy superintendent for defamation arising out of his termination. Ad damnum \$5,000,000 compensatory and \$10,000,000 punitive damages. Motion for summary judgment filed on behalf of BOE defendants. Plaintiff filed opposition and motion for summary judgment as to liability. Court granted BOE's motion for summary judgment. Court denied plaintiff's motion to reconsider. Curtis appealed to CSA. Oral argument October 7, 2002; CSA affirmed granting of summary judgment in favor of defendants. Plaintiff filed motion for reconsideration of CSA decision. Court denied motion and plaintiff filed petition for cert. to CA, \*which was denied June 20, 2003. (VIAPP)

#### **HORACE MANN INSURANCE CO. V. BOARD OF EDUCATION**

CSA, CCMC No. 222848. Insurance company sued BOE and SIF seeking declaratory judgment that BOE had a duty to defend an indemnify a teacher whom a student alleged had sexually abused him. The circuit court granted summary judgment in favor of the plaintiff, and the County filed an appeal to the CSA on 4/17/2003. (BURREN)

#### **KIMBLE V. BOARD OF EDUCATION**

Appeal from third complaint filed based on same fact pattern. District Court dismissed and Kimble appealed. \*Briefs filed. Appellate Court affirmed lower court's dismissal. (VIAPP)

### **Commission on Landlord Tenant Affairs**

#### **HOAGE V. MONTGOMERY COUNTY**

CSA No. 2102, CCMC, Civil No. 229046. Petitioner appealed from COLTA order to return security deposit plus penalty. Petitioner challenged Commission authority and jurisdiction to have held an administrative hearing in the case. Circuit court issued written decision affirming the Commission's Decision and Order on November 8, 2002, and Petitioner appealed to the CSA. At Hoage's request, brief due date extended from April 22 to June 6; County's response due July 7; oral argument during September 2003. (FEDERK)

## County Council

### MC V. ANCHOR INN

CA 91, CSA 01131, CCMC, Civil No. 199692. Plaintiffs challenge validity of Resolution 14-70 barring smoking in eating and drinking establishments. State filed amicus memorandum supporting County. Circuit Court declared Resolution invalid. Appeal filed to CSA. Petition for writ of certiorari filed in CA and granted. Briefs filed; oral argument April 10, 2001. CA affirmed the circuit court, ruling only that the Council did not have sufficient authority to pass the resolution as the Board of Health without the County Executive; the Court did not rule on the remaining issues. (GARREJ)

### MC V. FRANK KRASNER ENTERPRISES

Fourth Circuit, No. 01-2321, USDC, Civil No. MTG011831. Plaintiff challenges County's recently amended gun show law. Judge entered injunction against County. Appeal filed. Oral argument held February 27, 2003, in Richmond, Virginia. Court issued an unreported decision on April 1, 2003, in which it vacated and remanded the case for resolution of whether Krasner Enterprises has standing to bring the suit. (GARREJ)

## Department of Finance

### COMPTROLLER OF THE TREASURY V. CLYDE'S OF CHEVY CHASE

CA No. 11, CSA No. 1893, CCBC. County joins other counties in asking Court of Appeals for permission to participate as amici curiae in support of Comptroller's petition for review of unreported CSA decision. Case involves interpretation of amusements and admissions tax and what services it applies to. Certiorari granted; Comptroller and amicus briefs due July 2; response due August 1; oral argument will be during September session. (FEDERK)

### HEARTWOOD 88 V. MONTGOMERY COUNTY

CSA No. 2489, CCMC No. 227606. Appeal to CSA from circuit court's declaratory judgment in favor of the County regarding whether County owes interest to property owner due to invalid tax sale. Interpretation of State law led to a conclusion that the County did not owe additional monies to the owner. Appellant's brief due June 9; County's brief due July 30; oral argument during October session. (FEDERK)

NVR HOMES V. ANNE ARUNDEL CO. ET AL

CSA No. 2548. Appeal by NVR Homes challenging denial of tax refund based on NVR's contention that taxes paid on transfers of property were in furtherance of its bankruptcy plan. State of Maryland and several counties are parties. Oral argument in CSA held January 14, 2003. CSA affirmed in unreported decision March 18, 2003. NVR filed a petition for writ of certiorari in the Court of Appeals; answer filed May 19, 2003. \*Certiorari denied June 20. (FISHEJ)

Department of Fire and Rescue Services

MONTGOMERY COUNTY V. BEACH

CSA, CCMC 228259. Case arose from grievance by corporation-employed firefighters during the 1980's seeking overtime pay based on a 40-hour week, rather than a 48-hour work week. Circuit Court agreed that firefighters became eligible for overtime pay after working 40 hours a week. County filed appeal to CSA to challenge circuit court's interpretation of the regulations in this manner. (FEDERK)

MONTGOMERY COUNTY V. JAMSA AND FISHER

Appeal from circuit court decision that the Merit System Protection Board can award attorney's fees for appellate proceedings and not just for the administrative proceedings. Appeal filed. (BURREJ)

Department of Health and Human Services

DOTSON V. CALVO

CSA 533, CCMC, Civil No. 225135. Plaintiff claims County assessment worker conducted inadequate investigation of child abuse charge against her. Plaintiff sues for gross negligence, tortious interference with contractual relations and intentional infliction of emotional distress. Seeks \$1,000,000 in compensatory damages and \$1,000,000 in punitive damages. Defendants moved to dismiss. Plaintiff opposed. Hearing rescheduled for April 9, 2002. After oral argument, Court granted motion to dismiss based on statute of limitations. Appeal filed May 8, 2002. Briefs filed. Oral argument January 13, 2003. CSA affirmed February 11, 2003. Appellant petitioned for certiorari. \*Certiorari denied 6/13/03. (BURREJ)

*MARKS V. MONTGOMERY COUNTY*

Appeal from grant of summary judgment in favor of County. Prehearing information report filed, and request for prehearing conference submitted to CSA to address preliminary issues. Court issued show cause order to Plaintiff and he responded. \*Court issued order allowing appeal to go forward. Waiting on briefing schedule. (VIAPP)

*RIOS V. MONTGOMERY COUNTY*

\*CSA No., CCMC No. 223798. Suit filed against Montgomery County and doctor for alleged medical malpractice in delivery of child in 1991. Circuit Court granted the motion to dismiss for failure to serve notice on the County for 10 years. Plaintiff appealed to the CSA. (FEDERK)

*Department of Housing and Community Affairs*

*HOLIDAY UNIVERSAL V. MC*

CA 74, CSA 2700, CCMC, Civil No. 114441. Holiday Universal and seven other future service providers seek court order to: (1) prohibit Consumer Affairs from insisting that merchants give consumer who terminates future services contract without cause pro-rata refund and (2) invalidate Bill 22-92, Consumer Protection - Future Service Contracts. Plaintiffs dropped remaining claims except County's alleged ultra vires acts to enforce statute. County dismissed counterclaim. Trial December 4, 2000. Court found OCA may not direct credit reporting agencies to disregard Holiday's reports on non-paying consumers. Court found the law valid, but implementation in this regard was not appropriate. Appeal and cross-appeal filed. Briefs filed and CA issued writ of certiorari on its own motion. The Attorney General's Office participated as an amicus curiae. Oral argument held January 6, 2003. Awaiting decision. (HANSEM)

*Department of Permitting Services*

*MARLIN V. MONTGOMERY COUNTY*

Petition for writ of certiorari filed to challenge order of abatement re violations of County law involving splitting and processing firewood. Petitioner requested permission to supplement and had until March 31 to do so. No supplement filed to warrant answer. \*Certiorari denied. (LITTMJ)

**Department of Police**

**BRUETTE V. MONTGOMERY COUNTY**

Fourth Circuit No. 02-1441; USDC, Civil No. JFM00CV2324, WMS 00-554. Plaintiffs sue County, two detectives, County Executive, MCPD and State's Attorney based on arrest for child pornography and related crimes, alleging federal and state constitutional claims, false arrest and imprisonment, malicious prosecution, abuse of process, assault, battery, tortious interference with business relationships, intentional infliction of emotional distress, negligence and conversion. Seeking \$1,000,000 in compensatory and \$7,000,000 in punitive damages, as well as declaratory relief that plaintiffs are not guilty of the crimes charged and return of property. Motion for summary judgment filed and granted on all claims. Plaintiffs appealed. \*Fourth Circuit affirmed 6/24/03. (BURRES)

**MONTGOMERY COUNTY V. FALCINELLI**

CSA No., CCMC 236641. This case arises from a promotional examination for police lieutenant. The grievance challenged the discrepancy between scores on the first exam and the second, given after a flaw was discovered in the instructions given to the candidates. The County appealed the circuit court decision that the second examination was not valid. (FEDERK)

**MOOSE V. FRATERNAL ORDER OF POLICE, MONTGOMERY COUNTY LODGE NO. 35**

Declaratory judgment action to determine whether LEOBR or collective bargaining agreement require police department to conduct 3-person hearing to review a suspension of an officer's police powers with pay. Circuit Court declared that it is required; CA dismissed as not within the jurisdiction of the courts. Motion for reconsideration by FOP pending. (FEDERK)

**MURDOCK V. MC**

CSA 2332, CCMC, Civil No. 220911. Plaintiffs filed survival action and wrongful death complaint for death of retired DFRS employee. Plaintiffs allege individual called County's 911 system because he believed Murdock was having heart attack in Carroll County. They further allege that County and its employees were negligent when they gave telephone number. Ad damnum \$2,000,000. Motion to dismiss granted. Appeal filed. Prehearing conference held on March 7, 2002. Parties agreed to stay appeal pending CA decision in Muthukumarana and related cases. (BURRES)

PULLIAM V. MONTGOMERY COUNTY

Fourth Circuit No., USDC, Civil No. WMN01CV1959. Plaintiff alleges County police officer violated her constitutional rights by requiring her to let her estranged husband in her home. Ad damnum \$5,000,000 in compensatory damages and punitive damages. Trial March 31 to April 2, 2003 resulted in Defendants' verdict. Plaintiff has appealed. \* Plaintiff's brief due June 9 but did not submit it. (BURRES)

RICH, SUSAN V. MONTGOMERY COUNTY

Fourth Circuit No. ; USDC, Civil No. MJG01CV36795. Plaintiff sued Montgomery County, police captain and two animal control officers for violation of her first, fourth, and fourteenth amendment rights arising out of the issuance of civil citations and a search conducted pursuant to an administrative search warrant. Ad damnum \$425,000 compensatory and \$425,000 punitive damages. District court granted summary judgment in favor of County defendants and, after court denied Plaintiff's motion to alter and amend judgment, she filed an appeal to the Fourth Circuit. \*Appellant's brief received June 11. (BURRES)

ROSENBERG, GLENN V. DEPARTMENT OF POLICE

CA Petn. Dkt. No.; CCMC No. 5911-D; DCMC No. 8875-02. Plaintiff filed a replevin action in district court to regain custody of property seized under a search warrant. District court dismissed the action and circuit court affirmed based on statute of limitations. Circuit court also denied a motion to alter or amend. Plaintiff filed a petition for writ of certiorari to the Court of Appeals seeking further review. \*Certiorari denied. (FEDERK)

**Department of Public Works and Transportation**

CHARLES, ET AL. V. MONTGOMERY COUNTY, ET AL.

CSA 2601, CCMC, Civil No. 215483. Plaintiffs claim injury from motor vehicle accident occurring when Ride-On bus made left turn across path at plaintiff vehicle. Ad damnum \$840,000. Trial January 7-10, 2002. Jury verdict in favor of defendants. Appealed to CSA. (BURRES)

COMMITTEE FOR THE PRESERVATION OF MAIDEN LANE PARK V. MONTGOMERY COUNTY

CSA No., CCMC 211986. Appeal from entry of judgment in favor of the County in an action for declaratory judgment and injunctive relief. Plaintiffs challenge the County's ability to dispose of property for a road project that was abandoned in 1961. Circuit Court awarded equitable relief to the Mirkovics for the purchase price, taxes and fees paid, attorney's fees and interest. \*Prehearing conference scheduled for 7/22/03. (BURRES)



*PRATHER V. MC*

CSA No. 1072. Plaintiff petitioned for sale of unimproved property in lieu of partition. After two chances to amend to state a claim, circuit court dismissed due to expiration of statute of limitations. Plaintiff appealed to CSA, which affirmed dismissal in an unreported decision issued April 14, 2003. Petition for writ of certiorari filed May 28; County's answer due June 13, and filed June 10, 2003. \*Awaiting decision. (FEDERK)

*SVANHOLM V. MC*

CSA 2585, CCMC, Civil No. 226085. Plaintiff alleged that on February 15, 2001, ATF/SWAT team entered his friend's farm without probable cause and issued him numerous civil citations without any merit or grounds. He received numerous citations for various violations and was fined. Plaintiff sought \$52,000,000 in various damages. Preliminary motion to strike or dismiss plaintiff's papers filed and granted; and case dismissed. Plaintiff filed post-judgment motion which, after opposition, was denied. Plaintiff appealed. All briefs filed by January 10, 2003; no oral argument will be held. CSA affirmed dismissal in an unreported decision dated April 9, 2003. (FEDERK)

*Human Relations Commission*

*OURISMAN WHEATON PLAZA CHEVROLET V. MONTGOMERY COUNTY HUMAN RIGHTS COMMISSION*

Appeal from circuit court's affirmance of Human Rights Commission's dismissal of case in light of complainant's request to withdraw appeal. \*Appellant's brief due July 2; County's brief due August 1; oral argument during November session. (FEDERK)

*Montgomery County Government*

*EDWARDS SYSTEM TECHNOLOGY V. CORBIN*

Amicus participation in appeal regarding State law permitting private cause of action in court based on local laws prohibiting discrimination. Oral argument April 4, 2003. (FEDERK)

*Office of Human Resources*

*C. TIDLER V. MONTGOMERY COUNTY*

CSA No. 2615, CCMC No. 234044. Disability retirement case went before arbitrator and then to circuit court. Issue involves the standard of review of an arbitrator's decision in circuit court. Appellant's brief due July 3; County's brief due August 15; oral argument during November session. (FEDERK)

HENNESSY V. MONTGOMERY COUNTY

\*CSA, CCMC, Civil No. 237589. Retired Police Lt. Hennessy appealed the MSPB's dismissal of his grievance regarding lack of promotion. The circuit court affirmed and an appeal was filed. (FEDERK)

Office of Procurement

KLIGMAN MGMT SYSTEMS V. MC

CSA 17, CCMC, Civil No. 211051. Complaint for injunctive relief and petition of writ for mandamus to require County to renew contract. Court denied plaintiff's preliminary injunctive request. County successfully moved to protect witnesses from deposition until its motion to dismiss ruled upon. Plaintiff filed second amended complaint adding claims against self-insurance fund. County's motion to dismiss and/or for summary judgment denied pending further discovery. County's motion to reconsider denied. County answered second amended complaint. Motion for summary judgment granted. Appeal filed. Briefs filed; argument November 6, 2002. CSA affirmed in an unreported decision March 5, 2003. (GARREJ)

LITIGATION

Board of Education

ATAYO, MARTIN ATEY V. MONTGOMERY PUBLIC SCHOOL TRANSPORTATION  
AUTHORITY, ET AL.

USDC, Civil No. DKC03CV939. Plaintiff sues the "Montgomery County Public School Transportation Authority" and "Wells Fargo, Security Borg-Warner, Inc" arising out of an alleged accident that occurred in August 1996 while he was employed by the Wells Fargo, which was providing security services at the Montgomery County Public School bus lot. It appears that the Plaintiff is alleging negligent conduct on the part of Defendants in failing to provide a secure parking lot. Ad damnum \$1 Million. \*Motion to dismiss filed. (VIAPP)

BOYD, RICHARD V. BOE, ET AL.

CCMC, Civil No. 217535. Plaintiff claims that he was injured when a school bus turned left in front of him. Plaintiff asserts claims against the BOE and his own insurance company under alternate theories that the bus was a MCPS bus or a phantom bus. Ad damnum \$5,000,000. Case bifurcated. Two-day jury trial on liability June 17, 2002. Liability verdict against BOE. Case to be set for damages trial. Motion for new trial filed and denied. Case to proceed to damages trial on July 1, 2003. \*Case settled before trial. (FREDEC)

BRECKINRIDGE, KATHERINE/PROGRESSIVE INSURANCE V. COOPER, WENDY

DCMC, Case No. 060200097262003. Plaintiff, through her insurance company, sues for property damage. Plaintiff alleges that the defendant failed to stop when she stopped to make a left turn and collided with her vehicle. Ad damnum \$6,687.61. Trial July 16, 2003. (COLLIC)

COKE, EDWIN C. V. MONTGOMERY COUNTY PUBLIC SCHOOLS, ET AL.

USDC, Case No. SW021052. Plaintiff, substitute teacher, claims he was discriminated against when he was removed from substitute teachers list. Plaintiff claims violation of Title VII, Sec. 1981, and breach of employment contract. Ad damnum \$500,000 in compensatory damages and \$1,000,000 in punitive damages. Answer filed. Discovery begun. \*Motion to Dismiss filed. (MULLOH)

CURTIS, NATHANIEL V. BOE

USDC, Case No. PJM-00-2687. Plaintiff filed race and sex discrimination case against BOE arising out of his termination. Moved to dismiss. Plaintiff opposed and defendant replied. Court consolidated with Case No. PJM01CV860. Court stayed all proceedings pending the state defamation case, denied the motion without prejudice and administratively closed the case pending the State Court's decision and appeal. \*State appeal process has concluded and Plaintiff did not prevail. County will wait to see if Plaintiff attempts to reopen federal cases. (VIAPP)

CURTIS, NATHANIEL V. GILES, ET AL.

USDC, Case No. PJM01CV860. Plaintiff sues numerous BOE employees alleging violation of constitutional property rights in job and liberty interest in reputation without due process. Claims arise out of termination. Ad damnum \$5 million compensatory and \$10 million punitive damages. Request for injunctive and declaratory relief. Moved to dismiss all defendants. Plaintiff filed opposition and cross-motion for summary judgment. Case consolidated with Case No. PJM-00-2687. Court stayed all proceedings and administratively closed case pending State Court's action and appeal. \*State appeal process concluded and Plaintiff did not prevail. County will wait to see if Plaintiff attempts to reopen federal cases. (VIAPP)

FISHER, MARY L./PROGRESSIVE INS. V. MONTGOMERY COUNTY BOARD OF EDUCATION

DCMC, Case No. 060200074062003. Plaintiff, through insurance company, Progressive Insurance, alleges property damage when BOE's bus struck her vehicle. Our investigation indicates that her car struck our bus and that she was driving at an excessive speed. Ad damnum \$2,408.90. \*Trial June 25, 2003. (ROBERJ)

FULLER, JAYSON V. MONTGOMERY COUNTY BOARD OF EDUCATION, ET AL.

CCMC, Civil No. 240164. Plaintiff, a student at Eastern Middle School, amputated the tip of his index finger while holding a door open for a teacher. The Plaintiff is making a premises liability claim, but also alleges that school and DFRS employees failed to locate and transport his fingertip to the hospital, so that it could be reattached. An answer has been filed for BOE and the school principal. VFIS will represent the County, DFRS and its employees. Discovery is beginning. Ad damnum \$500,000. (FREDEC)

KIMBLE, JOHN B. V. MONTGOMERY COUNTY BOARD OF EDUCATION, ET AL.

CCMC, Civil No. 240756. Plaintiff on behalf of his mother, Kay Kimble, filed a 59-count complaint against Mont. County Govt., Mont. County BOE, and various officials of MCPS for negligent hiring, supervision and retention; gross negligence/negligence; conspiracy; breach of contract; intentional infliction of emotional distress; intentional misrepresentation; and violation of civil rights. Ad damnum \$120,000,000. Ms. Kimble previously filed three federal lawsuits based on the same allegations as set forth in this complaint, which were dismissed by the court on each occasion. She filed appeals to the Fourth Circuit Court of Appeals in all three cases. \*All three appeals have been affirmed and dismissed by the Fourth Circuit. Motion to dismiss and for sanctions filed and court granted motion and ordered plaintiff not to file same suit again. (VIAPP)

KIMBLE, JOYCE S. V. MONTGOMERY COUNTY GOVERNMENT, ET AL.

USDC, Civil No. PJM02CV2711. Plaintiff filed a 58-count complaint against Mont. County Govt., Mont. County BOE, Maryland State Board of Education, MCPS, and various officials of MCPS for violation of her civil rights; negligence; gross negligence; false light, invasion of privacy, false pretenses; intentional infliction of emotional distress; breach of contract; wrongful discharge/termination; and negligent hiring, supervision, and retention. She alleges that she took personal sick leave to recuperate from asthma attacks, that she was never permitted to return to school, that her health insurance was cancelled and that she was not even paid for the leave she had taken. Her complaint is based on the allegation that she reported sexual harassment and sexual assault/battery by security team member, but no action was taken by the BOE against him. Instead, she claims that she was terminated from her employment. Ad damnum \$120,000,000. Motion to dismiss filed and opposed. This case is the same case as two previously filed cases by same plaintiff. Court granted motion to dismiss all defendants. \*On appeal, Court affirmed lower court ruling dismissing case. (VIAPP)

KOLANI, KPALBONDJO, ET AL. V. BLADEN, JACKIE, ET AL.

DCMC, Case No. 060200259602002. Plaintiffs allege personal injuries when their car was hit from behind by MCPS school bus while they were stopped at a red traffic signal. Ad damnum \$37,000. Case jury demanded to Circuit Court.\* Discovery ongoing. (LEONAP)

LEAVY, TAMMY, ET AL. V. BOE, ET AL.

CCMC, Civil No. 235042. First grade student kicked in groin alleges he reported incident and injury to teacher, but received no medical care. Teacher disputes these allegations, says no injury reported. Serious injury resulted to student. Complaint alleges negligent supervision, failure to provide medical care and negligent retention. Battery alleged against fellow student who kicked Leavy. Ad damnum seeks \$3,000,000 from BOE. \*Case settled. Hearing to be scheduled to get Court approval of minor settlement. (LEONAP)

MARTINEAU, MARLENE V. MONTGOMERY COUNTY BOARD OF EDUCATION

CCMC, Civil No. 239662. Plaintiff is alleging that due to the negligence of BOE in providing a safe ice free walkway, she slipped on the walkway en route to Magruder High School and broke her wrist. Ad damnum \$150,000. Discovery sent, and deposition scheduled for plaintiff. Plaintiff was deposed. \*Motion for Summary Judgment on assumption of the risk has been filed. (COLLIC)

QUIROZ, ARNOLD V. MONTGOMERY COUNTY GOVERNMENT

DCMC, Case No. 060100029402003. Plaintiff complains that the school bus driver was negligent in failing to properly apply the parking brake of the school bus near Walter Johnson High School. He alleges personal injuries and property damage when the school bus rolled backward into his vehicle. Ad damnum \$10,000. Case was dismissed on Defendant's motion based on improper defendant. Plaintiff's attorney has filed to alter the Court's judgment of dismissal and allow amendment to name proper defendant. Plaintiff's motion pending to change defendant from Montgomery County to Board of Education for Montgomery County. \*Plaintiff's motion granted. Trial held May 14, 2003. Stipulated to liability. Trial on damages only. Judgment in the amount of \$7,500. (COLLIC)

RAMIREZ, JHONY, ET AL. V. MONTGOMERY COUNTY BOARD OF EDUCATION, ET AL.

DCMC, Case No. 060100066472003. Plaintiffs allege personal injuries when a school bus struck the vehicle in which the plaintiffs were passengers. Ad damnum \$10,000. Motion for continuance filed. \*New trial date 7/23/03. (LEONAP)

REED, XAVIER V. BAIDEN, YAAYAA AGYEIWA, ET AL.

DCMC, Case No. 060200045552003. Plaintiff, a Ride-On bus passenger, claims personal injuries from both Montgomery County and the Board of Education when a school bus collided with Ride-On bus he was riding. \*Discovery disclosing that collision was extremely minor. Ad damnum \$10,000. Trial July 2, 2003. (ROBERJ)

RUFFIN, SHANTAE, ET AL. V. CYNTHIA JACKSON, ET AL.

DCMC, Case Nos. 060200229022002 and 060200229032002. Plaintiffs filed two lawsuits, one for each of the plaintiffs, arising out of the same incident which occurred on October 29, 1999. The plaintiffs, passengers on a school bus, allege personal injuries when the school bus driver negligently drove over a speed bump at a very high speed, causing the plaintiffs to be thrown out of their seats. Ad damnum \$20,000. \*Case settled. (MULLOH)

SKELTON, PAUL AND FILIPPA SKELTON V. MONTGOMERY COUNTY BOARD OF EDUCATION AND JOHN/JANE DOE

CCMC, Civil No. 230226. Child's face lashed by gate latch springing back and striking her in face. Ad damnum \$200,000. Answer filed. Discovery nearly completed. \* Summary judgment granted in part and denied in part. Motion for reconsideration to be filed. Trial on July 28, 2003. (ROBERJ)

STATE FARM/PORTILLO, ET AL. V. CERRITOS, ARTURO, ET AL.

DCMC, Case No. 060100055742003. Plaintiffs, through insurance company, State Farm, sue for property damage. Plaintiffs allege that a MCPS school bus struck their vehicle while attempting to make a right turn. Trial scheduled for June 4, 2003. Ad damnum \$1,439.20. \*Plaintiff's attorney agreed to voluntarily dismiss with prejudice about an hour prior to trial. Closed. (COLLIC)

TURF CENTER LAWNS, INC.

CCMC, Civil No. 213221. Complaint for interpleader arises out of accident where school bus was hit by truck and/or trailer. School bus operator killed and student passengers allege personal injury. Advised interpleader plaintiffs that BOE expects to file claim asserting its property damage and/or workers' compensation liens. Letters being sent to workers' compensation claimants advising them that BOE will participate in case and assert its property damage and/or workers' compensation liens. Complaint filed to recover property damage and workers' compensation lien. A special master has been appointed to assist the various plaintiffs in dividing the insurance proceeds. Scheduling order imposed. All parties have agreed to the BOE's losses. The Special Master held a hearing on October 29 and 30, 2002. The Special Master filed a report and recommendation, which has been adopted by the Court. Thus far, the Fund has received payment for property damage and tow expenses (\$28,476.30) and reimbursement of the workers' compensation lien from two of the claimants (\$12,513.46). Reimbursement of the remaining funds is being monitored. (FREDEC)

WALKER, NANCY V. RAFIK KHOURY, TODD WATKINS, STEPHEN M. RAUCHER AND TOM GALLOGLY

CCMC, Civil No. 229738. Plaintiff claims race and gender discrimination at workplace . Court granted initial motion to dismiss and gave leave to amend complaint within 45 days. Ad damnum unspecified. Plaintiff failed to file amended complaint. \*Case dismissed. (MULLOH)

WALSTEIN, EDWARD/ENCOMPASS V. MONTGOMERY COUNTY, ET AL.

DCMC, Case No. 060200091462003. Plaintiff, through his insurance company, sues for property damage. Plaintiff alleges that the defendant, while making a right turn, failed to drive in a single lane and collided with the rear of his vehicle which was traveling in the other lane. Ad damnum \$4,239.96. \* Trial date reset for August 20, 2003. Discovery served. (VIAPP)

ZARRABI, BAHAR A MINOR

DCMC, Case No. 06010012552000. Parent sues for student daughter's injuries when hit in mouth by golf club in physical education class. Ad damnum \$10,000.\* Case continued long time ago-neither court nor plaintiff ever rescheduled. Case has been revived by court. Court dismissed case. (ROBERJ)

City of Rockville

BROOKY, DAWN V. LEWIS, CHRISTOPHER, ET AL.

CCMC, Civil No. 237038. Plaintiff filed a 37 count lawsuit against the City of Rockville, three police officers, and Merle Summerland for numerous violations of her civil rights, the Maryland Declaration of Rights and intentional infliction of emotional distress. She alleges that her former boyfriend entered her house in an unlawful manner, without her consent or permission and police officers failed to properly protect her from the trespass. She also alleges that the police officers confined her in her kitchen area against her will, allowed Summerland free access to her house and denied her the opportunity to inspect the items taken by Summerland from her house. Ad damnum \$24,750,000. \*Defendants have provided written discovery and are awaiting responses from Plaintiff. May have to file motion to compel. Discovery scheduled to end June 24, 2003. (ROBERJ)

COMPTON, ROBERT KEITH AND CONNIE MARIE V. LOUIS EDWARD CEGLAR AND CITY OF ROCKVILLE

CCMC, Civil No. 232894. Plaintiff alleges City of Rockville and its employee were negligent when the employee caused a collision with his vehicle. Ad damnum \$550,000. Discovery completed. Pretrial April 18, 2003. \*Trial set for July 8, 2003. Settlement discussions pending. (COLLIC)

NOLAN, LESLIE V. CITY OF ROCKVILLE

CCMC No. 240751-V. Plaintiff sues City of Rockville for injuries she sustained in a slip and fall incident at Glenview Mansion when she lost her footing while coming down the stairs and slipped on the slick marble surface. Plaintiff alleges that the defendant failed to maintain the premises in a safe condition. Ad damnum \$200,000. Discovery has been sent. (COLLIC)

County Council

AMERICAN COMMUNICATIONS SERVICES V. MONTGOMERY COUNTY, ET AL.

DCBC, Case No. 02CV769. Plaintiff has challenged the County's process for granting franchises to telecommunications companies. Plaintiff voluntarily dismissed. We are pursuing our claims for monies owne in bankruptcy court. County collected \$50,000 in franchise fees in full settlement of all claims. County transferred franchise to Xspedius. (ROYALC)

County Executive

ELLER MEDIA V. MONTGOMERY COUNTY

Eller Media has challenged the County's 1968, 1986, 1992, and 1997 sign ordinances as they relate to billboards. The parties are discussing a settlement. A scheduling conference is set for March 31, 2003 in the Circuit Court. At that time, if the parties have not settled, the litigation will resume. Parties are continuing to discuss settlement. \* Parties have asked court for additional time to continue discussions. (ROYALC)

Department of Corrections and Rehabilitation

KELLY, ROBERT V. MONTGOMERY COUNTY DEPARTMENT OF CORRECTION

DCMC Case No. 060100031862003. Plaintiff, an inmate at MCDC, claims personal injuries when he slipped and fell on a wet patch of the floor. Plaintiff alleges that MCDC failed to maintain the walkway/floors and failed to warn the inmates of the potential danger. Ad damnum \$10,000. We filed a motion to dismiss based on governmental immunity and sent discovery requests to Plaintiff. Court heard motion on April 14, 2003 and dismissed case. (VIAPP)



KESELICA, MICHAEL G. V. MONTGOMERY COUNTY DEPT. OF CORRECTIONS AND REHABILITATION

DCMC, Case No. 060100050842002. Pro se plaintiff alleges that he was sentenced to 18 months by the Circuit Court for Montgomery County in criminal case no. 89959 on July 17, 2001, reflecting a termination date of October 18, 2002 with the application of ninety (90) days good conduct credit. He is complaining of illegal detention for holding him beyond his scheduled release date and loss of income. Ad damnum \$20,000. County filed notice of intention to defend and motion to dismiss/summary judgment. Trial held on 4/2/03. Court heard argument on motion and granted motion dismissing case. \*Plaintiff has appealed. (VIAPP)

LEVISSIANOS, NINA V. LT. R. GREEN, ET AL.

DCMC, Case No. 060200089452003. Inmate Plaintiff alleges personal injuries when another inmate cut her neck when she walked past other inmate's cell. Ad damnum \$10,000. Trial July 9, 2003. (COLLIC)

MAYNARD, LARRY V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 242870. An inmate plaintiff alleges personal injuries when he slipped and fell while descending the stairs due to dangerously slick surface. Ad damnum \$500,000. Motion to dismiss has been filed based on governmental immunity. (COLLIC)

NASH, WENDY V. MONTGOMERY COUNTY DEPARTMENT OF CORRECTIONS AND REHABILITATION

CCMC, Civil No. 237216. Plaintiff sues Montgomery County Department of Corrections and Rehabilitation alleging breach of contract, violation of Maryland Constitution, violation of the Montgomery County Code and injunctive relief. The claims arise out of her removal from the position as Work Crew Supervisor. Ad damnum \$500,000. Answer filed. Investigation and discovery ongoing. \*Plaintiff has been awarded service connected disability retirement. This may affect this litigation. (ROBERJ)

TURNER, SHERRI V. MONTGOMERY COUNTY

USDC, Civil No. AMO02CV1408. Plaintiff sues sheriff, deputy sheriffs, County, correctional officers and Director of Correction and Rehabilitation arising out of her arrest, claiming that County defendants failed to provide proper medical care and violated her civil rights. Ad damnum \$5 million compensatory and \$10 million punitive damages. Plaintiff amended complaint and County filed motion to dismiss/or for summary judgment. Plaintiff opposed. Court issued opinion granting County and State defendants motions to dismiss and motions for summary judgment. Plaintiff filed a motion for reconsideration. Defendants filed opposition. Court partially granted motion for reconsideration and reopened one issue relating to whether plaintiff was illegally strip searched. Answer filed. Discovery sent on limited issue to Plaintiff. Defendant's expert preliminarily identified. Discovery completed and status report filed. Plaintiff filed motion for summary judgment, motion for leave to file second amended complaint as a class action, motion for certification of class and motion for extended discovery. \*Defendants opposed all motions and filed motion for summary judgment. Settlement conference occurred on May 12, 2003. Waiting for Court decision on outstanding motions. (VIAPP)

WARNER, MICHAEL S. V. DUNCAN, DOUGLAS M., ET AL.

CCMC, Civil No. 2424273. Prisoner alleges he was beaten and injured by fellow inmates due to breach of security by prison guards. Ad damnum \$75,000. He previously filed a case which was dismissed by the Court when Plaintiff failed to appear for scheduling conference. (LEONAP)

YOUNG-BEY, JEFFREY V. DEPUTY J. MCCALLIUM, ET AL.

USDC, Civil No. JFM-03-1047. An inmate Plaintiff filed suit against Montgomery County Government, various officials of Montgomery County Sheriff's Department and Maryland Division of Corrections for denial of substantive due process, cruel and unusual punishment, abuse of process, intentional infliction of emotional distress, assault, retaliation, supervisor liability, municipal liability, invidious discrimination, conversion, illegal search and seizure. Plaintiff alleges mistreatment while he was incarcerated. Ad damnum \$750,500,000.\* Motion dismiss filed on behalf of Defendants MC and D. Duncan. (LEONAP)

**Department of Environmental Protection**

**GREGG, GEORGE V. MONTGOMERY COUNTY, ET AL.**

USDC, Civil No. DKC01CV1212. Plaintiff alleges County employees caused him to be falsely arrested, imprisoned and prosecuted for dumping pollutants into water. Ad damnum \$12,000,000 compensatory damages and \$40,000,000 punitive damages. Answer filed on behalf of employees. County's motion to dismiss granted. \*Motion for summary judgment filed on behalf of employees. (BURRES)

**Department of Fire and Rescue Services**

**AMERICAN ALTERNATIVE INSURANCE (AAIC) V. GEICO AND ADAM MARC STERN**

CCMC, Civil No. 232341. Insurance company sues firefighter for unjust enrichment because he did not contact his auto insurance about accident while responding to fire in his own vehicle. County has moved to intervene in return for insurance company dropping firefighter from suit. Parties will litigate whether insurance company or County is primary. County successful in motion to dismiss on behalf of County and declaration by Court that personal insurance carrier of volunteer firefighter is primary. Plaintiff voluntarily dismisses lawsuit as to County. (ROBERJ)

**LOPEZ, JULIO CESAR V. WILHERM, JAMES, ET AL.**

DCMC, Case No. 060200267202002. Plaintiff claims personal injuries and property damage when a fire truck allegedly slammed into rear of his vehicle. Ad damnum \$10,000. Trial set for May 14 continued. (VIAPP)

**RIDGELY, DONALD V. MONTGOMERY COUNTY, MARYLAND**

CCMC, Civil No. 239942. Plaintiff alleges Montgomery County's unlawful discrimination against him based on disability/handicap in violation of Montgomery County Code. The Plaintiff was diagnosed with narcolepsy and cataplexy and has been taking medication to control it. Plaintiff claims that although he had no narcoleptic and cataplexy incidents which could affect his performance at work, MC refused to medically approve him as Fire/Rescue Captain, and failed to accommodate his disability. Plaintiff also seeks monetary and injunctive relief requesting that he be instated as an unrestricted Fire/Rescue Captain and be awarded all back pay, front pay and related benefits. Answer filed; scheduling conference statement filed; scheduling conference held; case transferred to counsel for Fire & Rescue. \*Request to withdraw as counsel filed. (MULLOH)

**Department of Health and Human Services**

**COHEN, SUSAN V. MONTGOMERY COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES, ET AL.**

CCMC, Civil No. 224614. Plaintiff brings action alleging that her request for reasonable accommodation was delayed. Defendants' motion to dismiss was granted by circuit court. CSA reversed and remanded. \*New scheduling order issued. (BURRE)

**RIOS, LUIS V. MONTGOMERY COUNTY, ET AL.**

Plaintiff sues as parent and next friend of her son, who allegedly sustained birth injuries as a result of medical negligence during delivery. In accordance with statute, ad damnum is unspecified. Certificate of defensibility filed. Discovery ongoing. Amended complaint and motion to revise scheduling order filed. Plaintiff filed a Motion to Waive the Notice Requirement, which has been opposed because Plaintiff did not give notice for nearly 10 YEARS and the Defendants have been prejudiced. Plaintiff's motion was denied and the case against the County and Dr. Footer, the County's employee, was dismissed with prejudice. Plaintiff's motion for reconsideration was denied. \* Case dismissed against Holy Cross Hospital without prejudice. Appeal likely. (FREDEC)

**Department of Housing and Community Affairs**

**CAUTIVA TRAVEL**

Cautiva defrauded numerous consumers by accepting money for airline tickets that were never delivered. County is preparing action that will probably be filed in District Court. County petition for enforcement of Consumer Protection Law and will issue citations when owner of Cautiva can be located. Hearing rescheduled for July 1, 2003. On May 9, 2003, the County located the Defendant in Brooklyn, New York and served her with 10 citations. \* The Petition and the citations have been scheduled for trial for September 9, 2003. (ROYALC)

**D'ANNA, PAUL V. MONTGOMERY COUNTY, ET AL.**

Defamation and invasion of privacy action against County and several DHCA officials. Answer filed; discovery initiated. Being handled by outside counsel, Gary Crawford. Liability case has been stayed pending resolution of personnel/administrative litigation. (ROBERJ)

**Department of Liquor Control**

**BEEPAT, INDARJEET V. FUGEL, MICHAEL, ET AL.**

DCMC, Case No. 060200123252003. Plaintiff alleges personal injuries when his car was hit by a DLC truck. Discovery has begun. Ad damnum \$10,000. \*Trial continued to September 10, 2003. (FREDEC)

**HORTON & BARBER PROFESSIONAL SERVICES, ET AL.**

Lawsuit alleges breach of contract, unjust enrichment, and conversion. Complaint filed on March 14, 2002. Two of the three plaintiffs have been served. A hearing is scheduled for August 12, 2003. (GAULV)

**KAMJOU, BEHZAD/ALLSTATE V. MONTGOMERY COUNTY**

DCMC, Case No. 060200062792003. Plaintiff, through Allstate insurance company, claims property damage when Montgomery County's Liquor Control vehicle allegedly collided with his. DLC's MVA Notice indicates that Montgomery County's driver denied having struck Plaintiff's vehicle at all. Ad damnum \$2,211.51. Trial June 11, 2003. \*Judgment in favor of defendant, Montgomery County. (COLLIC)

**RUFFINO, LARRY/ALLSTATE V. MONTGOMERY COUNTY, ET AL.**

DCMC, Case No. 060200009982003. Plaintiff, through insurance company, Allstate, sues for property damage. It is alleged that the Montgomery County vehicle continued to make a right hand turn in front of the plaintiff's parked vehicle as the plaintiff was entering his vehicle, causing a collision between Plaintiff's driver-side door and the rear of Defendant's truck. Our driver alleges Plaintiff opened his car door intentionally to strike our truck because of an argument. Trial scheduled for May 28, 2003. Ad damnum \$3,853.83. \* Plaintiff voluntarily dismissed case on eve of trial. (ROBERJ)

**THOMPSON, NEIL V. MONTGOMERY COUNTY, ET AL.**

DCMC, Case No. 060200103772003. Plaintiff alleges personal injuries when a City of Rockville's vehicle collided with his vehicle in a parking lot. Ad damnum \$10,000. Trial July 23, 2003.\* Motion for Continuance of trial date filed. Discovery ongoing. (LEONAP)

**Department of Permitting Services**

**ROKCHOY, YUNG/ALLSTATE V. MONTGOMERY COUNTY GOVT., ET AL.**

DCMC, Case No. 060200235962002. Plaintiff alleges property damage when his vehicle was struck by Defendant's vehicle while he was stopped at a traffic signal. Ad damnum \$554. Case settled for nominal amount. (ROBERJ)

**STEVENS, GERRY V. MONTGOMERY COUNTY**

USDC, Civil No. L01CV3869. Constitutional challenge to County's fortune-telling prohibition. County moved to dismiss. Motion to dismiss denied. Court has ordered the parties to proceed with discovery. Parties have begun settlement negotiations. Parties have agreed to settlement terms. \*Case has been dismissed. (ROYALC)

**Department of Police**

**BRIDGES, MICHAEL**

Plaintiff filed lawsuit alleging he suffered injuries following a collision of Police Officer Dinesh R. Patil's car into rear of the Plaintiff's vehicle on 11/16/00. Plaintiff requested the Court for a judgment against MC, MD in the amount of \$200,000 plus court costs. \*Case settled. (ROBERJ)

**BROWN, JEROME JULIUS V. MCPD CHIEF CHARLES MOOSE, ET AL.**

DCMC, Case No. 060200115472003. It is unclear whether there are multiple Plaintiffs because no one, other than Jerome Julius Brown, is identified. The Plaintiff's complaint does not contain any factual allegations. It seems Plaintiff is alleging assault and battery; false arrest and false imprisonment without any cause of action. Ad damnum \$20,000 Trial August 6, 2003. Motion to Dismiss filed \* and granted. (FREDEC)

**BROWN, SHIRLEY V. MONTGOMERY COUNTY, MARYLAND**

DCMC, Case No. 060200022822003. Plaintiff applied her brakes suddenly and abruptly after Co-Defendant Dana DeLisa failed to yield the right-of-way while entering Gude Drive. She then alleges that her car was rear-ended by a County employee. A notice of intention to defend, discovery and cross-claim have been filed. \* Discovery complete. Defendants' filed their notice of intent to introduce medical records. Trial date July 30, 2003. Ad damnum \$10,000. (FREDEC)

DENNISON, STEPHEN V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 240692. Plaintiff filed a civil (common law torts) action in Circuit Court alleging trespass, invasion of privacy, false imprisonment, false arrest and negligence arising out of his wrongful arrest, causing embarrassment and humiliation in front of his neighbors and emotional distress. Ad damnum \$125,000. \*Discovery in progress. (COLLIC)

DIXON, ELVIS S. V. MONTGOMERY COUNTY, ET AL.

CCMC, Civil No. 231098. Plaintiff alleges personal injury as a result of a car accident. Discovery ongoing. Trial date June 9, 2003. Consent motion to continue trial date filed \* and granted. Ad damnum \$250,000. (FREDEC)

GILET, STEPHEN V. MELOTT, TROY DOUGLAS, ET AL.

DCMC, Case No.060200279622002. Plaintiff alleges personal injuries when a Montgomery County's marked police cruiser collided with his vehicle at an intersection. Trial date March 26, 2003. Discovery ongoing. A motion to dismiss was filed and granted. Appeal time has \* now expired. Ad damnum \$10,000. (FREDEC)

GOMEZ, TENOCH V. MONTGOMERY COUNTY, ET AL.

USDC, Case No. DKC02CV3632. Plaintiff brings civil rights action against Montgomery County and Police Chief, on behalf of himself and all citizens, alleging violation of their civil rights by being detained, searched, handcuffed, threatened, questioned, physically abused, and photographed without probable cause or reasonable suspicion that they had committed crimes. Ad damnum not specified. Answer filed on behalf of County. Complaint amended to add names of two officers. Answer filed on behalf of County and two officers. Chief Moose dismissed as a defendant. \* Second amended complaint filed and answered. Discovery in progress. (BURRE)

GUERRA, ERNESTO V. MONTGOMERY COUNTY

USDC, Civil No. AW021995. Plaintiff sues County and police officer for incident involving a shooting. Police officer accidentally shot plaintiff in face when attempting to get him out of a stolen car. Plaintiff sues for violation of federal and state constitutional rights and state tort claims. Ad damnum \$8,000,000 in compensatory and punitive damages. Filed answer for County and officer. Discovery completed. Defendants filed motion for summary judgment. \*Plaintiff filed opposition. Defendants will file reply. Hearing set for July 31, 2003. (VIAPP)

HARLEYSVILLE MUTUAL INSURANCE CO. V. ROBERT REIP V. JONATHAN PAUL  
JOSEPH GREEN AND MC,MD

CCHC, Civil No. 13C02051997. Insured struck police vehicle from behind. Amount of loss \$9,826.56. Collection letter sent. Suit has been filed against County police officer for indemnification. Case is now a SIF liability matter. Discovery sent. Expert reconstructionist has completed his investigation. Plaintiff's expert was deposed. Trial scheduled for July 23-24, 2003. (COLLIC)

JAMES GIGLIO/ALLSTATE V. MONTGOMERY COUNTY P.D.

DCMC, Case No. 060200210702002. Plaintiff, through insurance company, Allstate, sues Montgomery County Police Department and Sgt. Antonio Emanuel for automobile accident that occurred on 1/6/01. Sgt Emanuel was driving a marked police car with sirens activated on it, entered red light and collided with Plaintiff's vehicle. Ad damnum \$2,708.75. \*Trial 1/29/03. Case tried; verdict for defendant. (MULLOH)

JASPER, RUTHIE

CCBC, Civil No. 03-040-0110760. Plaintiff alleges County police officer failed to yield right-of-way, causing severe collision. Ad damnum \$200,000. Discovery initiated. Being handled by outside counsel, Gary Crawford. Judgment for Plaintiff at trial. (ROBERJ)

JOSEPH TULLY/ALLSTATE V. MONTGOMERY COUNTY

DCMC, Case No. 060200235932002. Plaintiff alleges property damage when a police car allegedly negligently entered the interesection at red light and struck his vehicle. Involved officer and witnessing officer dispute Plaintiff's version. Trial took place on April 9, 2003. Plaintiff's verdict. County has appealed. \* New trial date being set. Ad damnum \$1,609.35. (ROBERJ)

LUCAS, VINCENT V. MONTGOMERY COUNTY, MARYLAND

USDC, Civil No. AW-2624. Plaintiff sues MC and three police officers for violation of Maryland Declaration of Rights, assault, battery, negligence, intentional infliction of emotional distress. It is alleged that on 7/13/01 he was operating a motorcycle, registered to his fiance, with her consent, when he was stopped by police officers on the apparent belief that the motorcycle was stolen, and they subsequently brutally assaulted, and wrongfully arrested him; and after arresting and beating the Plaintiff, the police officers learned that he was a permitted driver. The ad damnum clause only alleges personal injuries and "pecuniary loss". Case removed to federal court. \*Officers not served. (BURRE)



MCDONALD, CLARENCE V. MONTGOMERY COUNTY, MARYLAND AND OFFICER  
MICHAEL BASKOT AND OFFICER MARY DOYLE AND OFFICER BRIAN LABATT AND  
CHIEF CHARLES A. MOOSE

USDC, Civil No. PJM02664. Plaintiff claims police officers used excessive force during course of arrest. Plaintiff sues Chief Moose, Montgomery County and individual police officers. Ad damnum \$1,500,000 in compensatory damages, \$2,500,000 in punitive damages plus attorneys fees. Discovery begun. Parties discussing settlement. Case settled. (ROBERJ)

MOON, SOON V. MOOSE, CHARLES

CCMC, Civil No. 219322. Plaintiff's complaint for declaratory judgment and writ of mandamus alleges violation of the Law Enforcement Officers' Bill of Rights. Officer Moon seeks court order to reinstate his police powers while County pursues appeal. Ad damnum \$150,000. New scheduling order issued. Case being reviewed after opinion of CSA. Joint Motion to Continue Stay filed and granted. (FREDEC)

NATIONWIDE INSURANCE COMPANY T/U/O RON CURTIS V. MONTGOMERY COUNTY  
AND GEYER'S TOWING, INC.

CCMC, Civil No. 232722. This is a subrogation claim in which the plaintiffs allege property damage. More specifically, plaintiffs allege Curtis' car overtuned in an accident and as the tow company was turning it bak over, it caught fire. Discovery is ongoing. Defendants identified expert witnesses. Motion for Summary Judgment and Motion in Limine have been filed. Motions hearing May 5, 2003. Summary judgment granted for the County, but the case is still pending against the tow company. Ad damnum \$32,279.86. (FREDEC)

PENCE, DAVID V. MOOSE, CHARLES, ET AL.

CCMC, Case No. 240882. Plaintiff alleges violation of his constitutional and due process rights by wrongful seizure and detention of his property by police, and for failure to provide a hearing. He further claims that while unlawfully incarcerated, he was assaulted, deprived of his medication and suffered injuries. \*Defendants to file Motion to Dismiss June 9, 2003. Ad damnum unspecified. (ROBERJ)

PIERCE, WILLIAM

USDC-DC, Civil No. 00CV02447. Pro se plaintiff filed civil rights lawsuit against County, several County police officers, County Executive, Police Chief, D.C., D.C. officers, and D.C. Mayor arising out of his arrest. Seeking compensatory and punitive damages in excess of \$1,000,000. Motion to dismiss partially granted. Discovery ongoing. Change of judge occurred. \*Defendants providing additional discovery to Plaintiff pursuant to Court order. (ROBERJ)

SARAI, JOGINDER V. DHARIWAL, S. KASHMIR S., ET AL.

DCMC, Case No. 060200049152003. Plaintiff alleges that he hit his head on the door and sustained personal injuries when two police officers, at the direction of the Chairman of Guru Nanak Foundation, picked him up and transferred him at the door to two other police officers. Ad damnum \$10,000. \*Working with temple attorney for representation for officers who were working for foundation and off duty. Trial date set for July 23, 2003. Answered discovery. (VIAPP)

SCHWARTZMAN, MICHAEL K. AND PATRICIA V. TENESHA BELLAMY AND MONT. COUNTY

CCMC, Civil No. 234554. Plaintiffs allege personal injury and loss of consortium as a result of being struck by a police vehicle responding to an emergency. Discovery sent. Liability has been established. Damages being assessed. Plaintiff has now filed against State Farm for underinsured coverage. Discovery continuing; depositions scheduled for April 29, 2003. Defendant, Officer Bellamy, has filed motion for summary judgment based on immunity for operating her emergency vehicle. \*Court granted Officer Bellamy's Motion for Summary Judgment. Case will proceed against Montgomery County based on the statutory limits on damages. (COLLIC)

SPRUILL, REGINALD V. MONTGOMERY COUNTY POLICE DEPARTMENT

USDC, Case No. AW03-CV1069. Plaintiff claims, in his amended complaint, employment discrimination based on race, color, age and disability. Plaintiff alleges unfair treatment by his supervisors in regard to work assignments, transfers and compensation. Ad damnum \$300,000. Requested Opposing Counsel to provide original summons and complaint. \*Second Amended Complaint filed. Responsive pleading will be filed. (BURRE)

STATE FARM/WITHERSPOON V. WITHERSPOON, JOHN, ET AL.

DCMC, Case No. 060200127302003. Subrogation claim by State Farm Insurance on behalf of insured Marion Pierce. It is alleged that on May 18, 2002 Montgomery County vehicle negligently struck the rear of her vehicle at or near the intersection of Rockville Pike and Tuckerman Lane. Ad damnum \$3,941.25. Trial date August 20, 2003. (LEONAP)

SURGE, PAULA V MC, ET AL.

CCMC Civil No. 118081. Plaintiff alleges damages after collision with police car. Ad damnum \$750,000. \*Very old case. Court may dismiss for lack of prosecution by plaintiff. (ROBERJ)

THOMSEN, RUSSELL V. OFFICER SCOTT FELDMAN

CCMC, Civil No. 146129. Plaintiff pursued on foot by Officer Feldman and other unnamed police officers responding to assault and battery call. Plaintiff alleges being slammed to ground, handcuffed, then beaten with nightsticks. Suit alleges violation of civil rights and assault and battery. Ad damnum \$50,000 compensatory and \$100,000 punitive damages. Agreed to submit to binding arbitration. Plaintiff reconsidering whether to proceed with arbitration. \*Plaintiff has not pursued case. The Circuit Court has listed the case as closed. (ROYALC)

UMOREN, ISANG V. MONTGOMERY COUNTY POLICE

SCDC, Case No. 03-0003392. Plaintiff alleges that Montgomery County Police seized his car without written or verbal explanation.\* Motion to dismiss filed. Ad damnum \$9,000. (ROBERJ)

**Department of Public Works and Transportation**

AFZALALGHOM, MEHRANGIZ V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 235111. Plaintiff bus passenger claims personal injuries from being thrown against inside of the bus when the Ride-On bus driver suddenly applied brakes when an unidentified vehicle pulled out into path of bus. Ad damnum \$200,000. Answered filed. Motion for summary judgment filed but court denied motion. Also filed a motion to limit damages to 20,000, which court granted. Mediation scheduled for 4/9/03. \*2-day bench trial April 22 and 23, 2003 resulted in defendant's verdict for the County and verdict against co-defendant. (VIAPP)

BARTOLOMEI, GREG/ALLSTATE V. MONTGOMERY COUNTY, MD

DCMC, Case No. 060200197672002. Plaintiff alleges property damage when his vehicle fell into a dip in the road caused by the construction due to negligence of Mont. County's agents or employees in failing to place any sign to warn motorists of the potential risk. Ad damnum \$2,885.09. (DICKER)

DANIELS, MELVIN

Plaintiff sued for injuries sustained when bus on which plaintiff rode collided with a car. Ad damnum \$100,000. Case dismissed for failure to serve notice, and remanded after appeal to CSA. On remand, case to be scheduled for further proceedings. Scheduling order issued. Plaintiff has designated experts.\* Defendants will designate experts by 6/23/03. Discovery underway. (ROBERJ)

DONALD A. TUOZZO, CORRINNE TUOZZO & FRANK TUOZZO V. MONTGOMERY COUNTY AND HUGH HONG CHEN

CCMC, Civil No. 225257. Plaintiff claims injury from motor vehicle accident when Ride-On bus failed to yield right-of-way. Ad damnum \$210,000. Discovery ongoing. Trial 12/16/02.

\*Case settled.

(MULLOH)

FIELDS, JODI V. COUNTY EXECUTIVE DOUGLAS DUNCAN

DCMC, Case No. 060100124072003. Plaintiff claims property damage when a Montgomery County truck collided with her vehicle while attempting to make a left-hand turn. Ad damnum \$1,166.37. Trial August 20, 2003.\* Motion for continuance filed. (LEONAP)

GRACEY, LILA V. J.B. FLEMING CO., ET AL

CCMC, Civil No. 210418. Plaintiff riding bike on bike path near MacArthur Boulevard hit a hole and fell. She claims County and others negligently maintained bike path and seeks \$200,000 in compensatory damages. Plaintiff dismissed case and refiled in State court. Case stayed pending outcome of co-defendant's bankruptcy. Motion for summary judgment filed. (MULLOH)

HANTMAN, ROBERTA, ET AL. V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 242386. Plaintiff alleges personal injuries when on November 25, 2000, she slipped and fell on a metallic plate which was built into the ramp. Plaintiffs have also filed loss of consortium claim. An answer and discovery have been filed. Ad damnum \$300,000. (FREDEC)

HOWELL, DONNA, ET AL. V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 240579. Plaintiffs' decedent was killed when a vehicle ran a Stop Sign and struck his car, allegedly because foliage obstructed the Stop Sign. Plaintiffs allege that Montgomery County failed to inspect and ensure that the intersection was safe for normal use and was negligent in controlling the foliage surrounding the Stop Sign so as to ensure the Stop Sign's visibility from a reasonable distance approaching the intersection. County has brought third party action to bring in driver of other car. County has sent writted discovery to Plaintiffs.\* Scheduling conference June 6, 2003. Ad damnum \$5,537,500. (ROBERJ)

KHARCHENKO, NIKOLAI

CCMC, Civil No. 228292. Plaintiff claims he was injured when wheel cover on Ride-On bus cut his leg. Ad damnum "maximum allowed by law". Answer filed. Discovery ongoing. Trial March 3, 4, 5. \*Case settled. (MULLOH)

KRAVIT, ROBYN V. MONTGOMERY COUNTY

CCMC, Civil No. 234309. Trip and fall in pothole allegedly covered by rain water. Ad damnum \$200,000. Discovery ongoing. (LEONAP)

MUDANO, CAROLYN V. RIPPEON, JAMES, ET AL.

Plaintiff alleges rescission of settlement agreement, unlawful employment practices, illegal employment practices, discriminatory employment practice, and violation of Family Medical Leave Act. Plaintiff claims that she was retaliated against when she was transferred against her will, and that a Settlement Agreement entered into with the County was breached by the County. Ad damnum \$38 Million. Case removed to federal court. \* Discovery ongoing. (LEONAP)

PINO, GRACE, ET AL. V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 234019. Plaintiff sues MC, G.D.R, Inc. and W.S.S.C. for negligence and premises liability. Her husband filed claim for loss of consortium. Plaintiff alleges severe injuries when she fell in an uncovered and unmarked service hole or manhole in front of GDR's place of business. Ad damnum \$ 500,000. Discovery ongoing. (LEONAP)

SINGH, ANAND V. FUGEL, MICHAEL, ET AL.

CCMC, Civil No. 236443V. Plaintiff alleges personal injuries as a result of a car accident. He alleges that he was a passenger in a car hit by a DLC truck. Discovery \* ongoing. Experts identified and depositions scheduled. Ad damnum \$250,000. (FREDEC)

SMITH, GWENDOLYN/ALLSTATE V. MONTGOMERY COUNTY

DCMC, Case No. 060200004472003. Plaintiff, through insurance company, Allstate, sues for property damage alleging that a tree limb from a county tree fell onto the hood of her car due to Montgomery County's failure to maintain proper care of the tree. Ad damnum \$ 1,171.52. Answer filed. Trial set for May 21, 2003. \*Defense verdict. (VIAPP)

SMITH, GWENDOLYN/ALLSTATE V. MONTGOMERY COUNTY

DCMC, Case No. 060200065392003. Plaintiff, through insurance company, Allstate, sues for property damage alleging that a tree limb from a county tree fell onto the hood of her car due to Montgomery County's failure to maintain proper care of the tree. Ad damnum \$363.21. Answer filed; trial set for 6/18/03; case settled. (MULLOH)

TENNESSEE, JULIET V. LUIS, SHERWOOD WILFREDO, ET AL.

CCMC, Civil No. 238849. Plaintiff, a Ride-On bus passenger, alleges personal injuries when a Montgomery County truck failed to stop at red traffic light and hit the bus. Answer filed. Discovery has begun. Ad damnum \$500,000. (FREDEC)

VERIZON MARYLAND, INC. V. MONTGOMERY COUNTY, MARYLAND, ET AL.

DCMC, Case No. 060100053682003. Plaintiff claims that the agents of Montgomery County negligently removed a fallen tree thereby damaging plaintiff's aerial cables. Plaintiff alleges that the defendants failed to properly notify the plaintiff of the potential of harm and failed to locate and avoid the aerial facilities and failed to operate the machinery in a safe and reasonable manner. Ad damnum \$1,813.52. Trial held May 28, 2003. Judgment in favor of Montgomery County. Closed. (COLLIC)

**Housing Authority of the City of Rockville**

GRAY, LAVAUGHN M. V. ROCKVILLE HOUSING ENTERPRISES

CCMC, Civil No. 242853-V. Plaintiff sues Rockville Housing Enterprises for injuries she sustained when she slipped and fell on the ground as a result of a thin layer of ice that accumulated on the surface of the sidewalk. Plaintiff alleges that the defendant was negligent for allowing the snow and ice to accumulate and failed to maintain the sidewalks. Ad damnum \$250,000. (MULLOH)

**Housing Opportunities Commission**

COHEN, SHIMON V. HOUSING OPPORTUNITIES COMMISSION AND STATE OF MARYLAND AND TIMBERLAWN CRESCENT AND MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 228099. Slip and fall claim by resident of HOC property due to alleged failure to maintain property and negligent hiring, training and supervision. Ad damnum \$4 million. Answer filed. Discovery sent. Defendant's Motion to Compel and/or for Sanctions filed. \*Case dismissed. (MULLOH)

FAGBAYI, TAJUDEEN V. MONTG. COUNTY GOVERNMENT

CCMC, Civil No. 224631V, WMS 97-6623. Personal injury claim by HOC tenant alleging injury due to improperly maintained premises. Outside insurance counsel handling claim against HOC. Moved to dismiss County. Ad damnum \$1 million. County dismissed on motion. (LEONAP)

GOVAN, FREDERICK V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 240602. Plaintiff filed civil rights action in Circuit Court alleging violation of plaintiff's substantive due process rights, breach of contract, emotional distress, request for injunctive relief arising out of his wrongful termination. Plaintiff alleges that he was not trained to perform his duties inspite of his repeated request for training, and was never properly or timely evaluated for his performance. Ad damnum \$800,000. Answer filed. \*Scheduling conference held. (MULLOH)

HILL, CONSTANCE

DCMC, Case No. 060200160402002. Plaintiffs claim premises liability as a result of a falling ceiling. Ad damnum \$40,000. Trial set for June 9, 2003. \*Case settled. (MULLOH)

REZA, SOHEILA V. HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY, ET AL.

CCMC, Civil No. 238756. Plaintiff filed a lawsuit against HOC and Polinger Company for breach of contract, breach of implied warranty of habitability, negligence, and trespass. Plaintiff alleges that her apartment was flooded due the negligence of the defendants. Answers have been filed and discovery has begun. Ad damnum \$456,232. (FREDEC)

VANCE, RANDALL L. V. HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, PJM03CV427. Plaintiff filed lawsuit against HOC and its officials for declaratory and injunctive relief. He is alleging that the Defendants violated his due process rights when he was terminated from participating in a program under the McKinney-Vento Homeless Assistance Act and not reinstated in the program. The Plaintiff seeks an order reinstating him in the McKinney Act program and also seeks monetary damages. Plaintiff also filed a motion for preliminary injunction, which has been opposed. An evidentiary hearing is set for July 23, 2003. (FREDEC)

**Human Relations Commission**

BECKER V. CHARLES E. SMITH JEWISH DAY SCHOOL

Plaintiff brought suit against defendant for discrimination based on disability. Defendant filed motion to dismiss challenging constitutionality of State and County human rights law. County filed motion to intervene for limited purpose of responding to defendant's constitutional challenges and attached opposition of defendant's motion to dismiss. Hearing on motion to dismiss was held on April 29, 2002. Motion to dismiss denied. (WEILJ)

WALKER V. UNITED COMMUNICATIONS GROUP

Plaintiff brought suit against defendant for discrimination based on sex and retaliation in violation of Chapter 27 of County Code. Defendant filed motion to dismiss challenging constitutionality of state and county human rights law. County filed motion to intervene on May 13, 2002, for limited purpose of responding to defendant's constitutional challenges, and attached opposition to defendant's motion to dismiss. Hearing held on August 8, 2002 before Judge Woodward. Judge Woodward denied defendant's motion to dismiss. (WEILJ)

Maryland-National Capital Park and Planning Commission

BRASWELL, MICHAEL V. MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

CCPG, Civil No. CAL02-04022. Plaintiff injured in fall while playing outfield in organized baseball game. Plaintiff maintains field was used for improper purpose and had ruts and was improperly maintained and not inspected. Ad damnum \$200,000. Answer filed. Cross-claim filed against co-defendant contractor. Discovery ongoing. Motion for summary judgment filed on behalf of M-NCPPC. \*Trial date August 18, 2003. (LEONAP)

CAMPBELL, ALONTE, ET AL. V. M-NCPPC

CCPG, Civil No. CAL0215802. Platform fell upon minor plaintiff while attending day camp. Ad damnum \$225,000. Answer and discovery filed. Parties engaged in discovery. \*Case in the process of being settled. (ROBERJ)

FENTON, LISA, ET AL. V. FAIRLAND AQUATIC CENTER, ET AL.

CCPG, Case No. CAL0301950. Plaintiff claims personal injuries when she slipped and fell while descending the stairs, which were used by the public in accessing a swimming pool at Fairland Aquatic Center. The plaintiff alleges that the defendants failed to maintain the stairs and preventing it from being slippery. Ad damnum \$200,000.\* Discovery ongoing. (LEONAP)

GONCALVES, NEWTON

CCMC, Civil No. 228482. Plaintiff alleges that he was a passenger on a miniature train at Wheaton Regional Park when the car he was riding in jumped the track. He claims personal injuries. Discovery on-going. Mediation ordered. Plaintiff's counsel moved to continue the trial date, with consent. New trial date August 11, 2003. \* Case settled before trial. Closing documents to follow. Ad damnum \$200,000. (FREDEC)



HARDEN, YOLANDE, IND. & T/U/O ALLSTATE INSURANCE CO. V. ANIKA E. TINSLEY AND M-NCPPC

CCPG, Civil No. CAL0215748. Plaintiff sued M-NCPPC and police officer arising out of automobile collision in Prince George's County. Claim is for property damage. Police officer was responding to a priority call. Case originally filed in District Court. We prayed jury trial and case moved to Circuit Court. Answer filed for M-NCPPC. \* Ad damnum \$17,789.65. Filed counterclaim against plaintiff for property damage and worker's compensation lien for injury to M-NCPPC officer. Defendant filed a motion for summary judgment on Plaintiff's claim based on failure to file proper notice, which the court denied. Also filed motion to limit damages and dismiss officer. Discovery completed. Parties have stipulated to damages and officer dismissed. Trial set for July 29, 2003. (VIAPP)

HERTZ, RAYMOND M. V. PRINCE GEORGE'S COUNTY GOVERNMENT, ET AL.

DCMC, Case No. 050200333952002. Plaintiff alleges injuries when he tripped and fell at or near the entrance to PG County's Courthouse. Plaintiff sues PG County Gov't and M-NCPPC for failing to maintain and inspect the sidewalks and walkways - in and around the grounds of the PG County's Circuit Court with reasonable care. Ad damnum \$25,000. Answer and jury demand filed. \*Discovery ongoing. (MULLOH)

SNOW, MARVIN V. M-NCPPC

CCPG, Civil No. CAL0201658. Plaintiff alleges stabbing at recreation center; claims security procedures breached and chained emergency exits prevented flight. Ad damnum \$1 million. Discovery ongoing. \*Trial date 9/10/03. (LEONAP)

TURNER, MARY AS PARENT AND GUARDIAN OF CAMISHA TURNER V. MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

CCPG, Civil No. CAL02-04009, WMS 02-873. Minor plaintiff injured in fall into partially open manhole cover. Medical injuries allegedly were severe. Answer filed. Ad damnum \$1,000,000. Discovery ongoing. Trial date July 14-16, 2003. Mediation set for 04/25/03.\*Case settled. (LEONAP)

**Montgomery College**

**JOHNSON, JOSEPH V. BOARD OF TRUSTEES OF MONTGOMERY COUNTY COLLEGE, ET AL.**

USDC, Civil No. JFM02CV3693. Plaintiff alleges employment discrimination on the basis of his national origin. He applied for a position as a Plant Operations and Maintenance Supervisor at Montgomery College Rockville Campus. He states that Montgomery College readvertised the position, elevated the qualifications and salary, and hired another person who was of a race other than African American. (COLLIC)

**MONTGOMERY COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES**

**YEBOAH, COMFORT, ET AL. V. ADVENTIST HEALTHCARE, INC. ET AL.**

CCMC, Civil No. 240908. Plaintiffs sue Shady Grove Adventist Hospital, its social workers and Cassandra Boyd of Montgomery County Child Welfare Services for negligence, intentional and negligent infliction of emotional distress, false imprisonment, conspiracy to violate civil rights, violation of Maryland constitutional rights, and malicious use of process. Mother Plaintiff delivered a baby at the hospital. Father Plaintiff alleges that he was forced out of the hospital and denied the opportunity to bond with his baby. He also claims that the defendants conspired together to file a CINA petition, which was later dismissed by the court. Ad damnum \$900,000 compensatory damages and \$9 Million punitive damages. \* Motion to dismiss filed. Discovery served on Plaintiffs. (VIAPP)

**Montgomery County Government**

**BIGG WOLF DISCOUNT VIDEO MOVIE SALES, INC. V. MONTGOMERY COUNTY, MARYLAND**

USDC, Case No. 01CV3386. Store owner challenges adult business law on constitutional grounds. Plaintiff moved for injunction. County moved for summary judgment. Court denied injunction and motion for summary judgment. Discovery completed. County filed another motion for summary judgment. Court granted County's motion. Court upheld constitutionality of adult business law, but refused to grant County request for injunction requiring store to close. Deadline for any appeal is April 28, 2003. Bigg Wolf's counsel claims that Bigg Wolf will reduce stock of adult videos to comply with law. Bigg Wolf did not appeal ruling. \* County has begun enforcement action. Bigg Wolf has reconfigured store in an attempt to comply with law. (ROYALC)

FLORES, DOMINGO/ALLSTATE V. MONTGOMERY COUNTY

DCMC, Case No. 060200056602003. Plaintiff, through insurance company, Allstate, sues for property damage. It is alleged that Montgomery County vehicle abruptly ran the red light and collided with Plaintiff's vehicle. Ad damnum \$2,913.93.\* Trial date 6/11/03. Plaintiff's counsel moved for continuance--granted. (LEONAP)

FRANK KRASNER ENTERP., ET AL. V. MONTGOMERY CO.

Fourth Circuit No.01-2321, USDC Md. MJG-01-1831. Frank Krasner Enterprises, dba Silverado Promotions, claims that certain sections of County law violate its Constitutional (and other) rights in prohibiting gun shows. District court agreed, and the County appealed to the Fourth Circuit. The appellate court remanded the case for the district court to determine whether plaintiff has standing to pursue the claims. The substantive issues were not addressed on appeal. \*The case has been returned to the trial court. Unless the Ag Center joins the case, the County will file a motion to dismiss based on lack of standing. (ROYALC)

KNOXAIR HEATING & AIR CONDITIONING AND JOHN ASBURY HUNTER V. MONTGOMERY COUNTY GOVERNMENT

CCHC, Civil No. 13C01049174. Automobile collision at intersection of Route 29 and University Boulevard. Defendant claims traffic signal was malfunctioning and filed a third-party claim against the County. \*County answered and discovery completed. Plaintiff settled with Defendant and County dismissed from case. (VIAPP)

MID-ATLANTIC MANAGEMENT CORP. V. MONTGOMERY COUNTY

USDC, Civil No. DKC01CV2822. Video store owner challenges adult business law on constitutional grounds. Plaintiff moved for injunction. County moved to dismiss. Hearing canceled because plaintiff may not be subject to adult business law. Further investigation reveals plaintiff is subject to law. County filed discovery requests. Mid-Atlantic claims that it will comply with our law. Meanwhile, the parties are proceeding with discovery. (ROYALC)

MONTGOMERY COUNTY, MARYLAND V. TRAVELERS INDEMNITY COMPANY, ET AL.

Montgomery County filed a complaint against The Travelers Indemnity Company; The Travelers Indemnity Company of Illinois; and Hobbs Group for declaratory judgment and for damages arising out of breach of a contract of insurance for coverage of damage to vehicles. Ad damnum \$1 Million. (VIAPP)

MOORE, THOMAS V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 223756, WMS 01-2752. Plaintiff alleges that Department's decision finding plaintiff not qualified for employment as firefighter/rescuer violates County Human Rights law. Ad damnum clause seeks declaratory relief, attorney fees and unspecified compensatory damages. Suit forwarded to outside carrier for coverage and defense.\* Plaintiff's verdict at trial. (LEONAP)

NANCY TURNER V. TROY MELOTT AND MONTGOMERY COUNTY

DCMC, Case No. 010100326162001. Plaintiff alleges that car operated by her son sustained property damage in a motor vehicle accident. Ad damnum \$16,275.25. Case originally filed in Baltimore City. Case transferred to DCMC. Filed notices of intention to defend, counter-claim, third-party complaint and discovery to all. Notices of intention to defend filed. Motion to specially set case for trial filed and granted. Motion to compel discovery to be filed. Scheduling conference held and order filed. Motion to dismiss and for judgment of liability filed. Motion granted, judgment entered in favor of the County and police officer on Allstate's property damage claim (that claim was dismissed), and judgment entered for the County on the issue of liability on its claim for property damages. The ex parte proof of the County's damages was continued because Allstate agreed to pay the judgment. Awaiting completion of closing documents. (FREDEC)

STATE OF MARYLAND V. YOUNG, KANHUA, ET AL. V. PINCUS, S. MICHAEL, ET AL.

CCMC, Civil No. 236207. Defendants/Cross-Plaintiffs filed Cross-Complaint and Motions against several governmental entities without any factual allegations. It seems that the Cross-Plaintiffs are alleging unjust practices, manipulation, official misconduct, fraud, harassment, discrimination and retaliation without any cause of action. Ad damnum not specified. (ROBERJ)

VICHI, DAVID V. MONTGOMERY COUNTY, MARYLAND AND ESMIE PARCHMENT AND OSBORNE PARCHMENT

Plaintiff signed a contract to purchase several apartment buildings in Takoma Park and the County exercised its right of first refusal under Chapter 53A to purchase those buildings. Plaintiff sued both the County and the seller of the apartment buildings claiming that the County failed to follow statutory requirements before tendering a contract to the seller. The Plaintiff seeks to enjoin the sale of the apartment buildings to the County. The County filed a counterclaim against the Plaintiff, a cross-claim against the seller and a third-party complaint against both the City of Takoma Park and a tenants association. Plaintiff amended his complaint alleging that the County's Chapter 53A tortiously interferes with contract, violates the Rule against perpetuities and violates Art I, Section 10 of the U.S. Constitution. \*A hearing is scheduled for July 3, 2003 on Plaintiff's Motion for Summary Judgment. (GAULV)

YASEEN, TAUSEFF, ET AL. V. STOKES, ERNESTINE, ET AL.

Plaintiff and insurance company claim property damage when Montgomery County's vehicle allegedly collided with insured's vehicle. Ad damnum \$2,113.63. Answer filed. \*Case settled. (MULLOH)

Montgomery County Public Schools

ALBORNOZ, MICHELLE/ALLSTATE V. MONTGOMERY COUNTY SCHOOL BUS

DCMC, Case No. 060200060552003. Plaintiff, through insurance company, Allstate, alleges property damage when a school bus collided with her vehicle. MCPS MVA Notice indicates that Plaintiff changed the lane while turning left and came in front of the school bus, thereby colliding with the bus. Ad damnum \$1,255.20. Answer filed;\* trial date continued. (MULLOH)

BYRON, AARON/ENCOMPASS V. MONTGOMERY COUNTY PUBLIC SCHOOLS, ET AL.

DCMC, Case No. 060200060572003. Plaintiff, through insurance company, Allstate, alleges property damage when a school bus allegedly suddenly merged into the lane occupied by the plaintiff and collided with his vehicle. Ad damnum \$807.65. Trial \* continued. No new trial date yet. (FREDEC)

GURECKIS, MICHAEL AND RACHEL GURECKIS V. MATTHEW BURRISS AND MONTGOMERY COUNTY PUBLIC SCHOOLS AND MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 231538. Traffic accident where MCPS truck rear ends car, allegedly injuring husband and wife. Discovery underway. Plaintiff's deposition taken and \* IMEs completed. Trial June 30, 2003. Settlement discussions underway. Ad damnum \$100,000. (ROBERJ)

LYONS, JOHN/ALLSTATE V. MONT. CO. PUBLIC SCHOOLS, ET AL.

DCMC, Case No. 060200170652002. John Lyons t/u/o Allstate alleges that the vehicle operated by his son sustained property damage in a motor vehicle accident. Ad damnum \$358.98. (DICKER)

NATIONWIDE/HOSTAGE V. THOMAS AUSTIN ST. CLAIR, JR., ET AL.

DCMC, Case No. 060200192532002. This is a subrogation claim in which Nationwide Insurance Co. alleges property damage as a result of motor vehicle accident. Nationwide has paid the insured for losses and is now claiming damages in the amount of \$3,048.75. (DICKER)

NATIONWIDE/HOSTAGE V. THOMAS AUSTIN ST. CLAIR, JR., ET AL.

Judgement entered for plaintiff Hostage. Bus driver could not recall exactly what happened. Stated on the stand that he may have drifted into plaintiff's lane. Judgement amount \$3048.75 (DICKER)

SEAGEARS, GEROME, ET AL. V. MONTGOMERY COUNTY PUBLIC SCHOOLS, ET AL.

Parents of two minor students complain of injuries from the corporal punishment inflicted upon their children by two Montgomery County teachers aides in the After School Day Care Program. The plaintiffs allege intentional infliction of emotional distress, violation of Md. Code, violation of Maryland Constitutional Rights-due process, conspiracy to violate civil rights, battery and assault. Ad damnum \$3,000,000 in compensatory damages and \$10,000,000 in punitive damages. Case settled for nominal amount. (ROBERJ)

WINSTON, MARY, ET AL. V. THE ESTATE OF GRANVILLE G. HALL, ET AL.

CCMC, Case No. 241978. Plaintiff sues as parent and next friend of her minor son, who sustained injuries when a school bus allegedly negligently struck him. Ad damnum \$1,250,000. (FREDEC)

Office of the County Attorney

HARTOGENSIS, PETER R.

CCMC, Civil No. 230968. County brings action against title company whose title search allegedly resulted in allegations against the County in the Prather matter below. Parties agree to stay case pending Prather outcome or request by party to lift stay. County's motion for summary judgment was granted in Prather matter, and Plaintiff appealed to Court of Special Appeals. Await outcome of case before Court of Special Appeals. (MELNIR)

Revenue Authority

EURE, MAXINE V. SCHINDLER ELEVATOR CORPORATION, ET AL. V. SHELTER PROPERTIES, LLC V. MONTGOMERY COUNTY REVENUE AUTHORITY, ET AL.

Plaintiff alleges personal injuries when the elevator failed to level with the floor, causing her to trip and fall. Shelter Properties filed third-party complaint against MCRA and Arundel Elevator Company for indemnity and contribution. An Answer and Motion to Modify Pre-trial Scheduling Order have been filed. Scheduling Order modified. Discovery has begun. Trial date December 8, 2003. Third-party Plaintiff voluntarily dismissed MCRA. Deposition of MCRA designated representative scheduled for July 16, 2003. Ad damnum \$2,250,000. (FREDEC)

GOLDEN, KEITH, ET AL. V. CLARK, SIDNEY, ET AL.

Plaintiffs allege that they were responding to a call in a Fire/Emergency vehicle, with its emergency equipment activated, and were struck by a vehicle operated by Sidney Clark. Ad damnum \$1,200,000. Answer filed. Discovery ongoing. \*Plaintiffs have agreed to voluntarily dismiss their case with prejudice. Closed. (COLLIC)

JONES, ALBERT, ET AL. V. MONTGOMERY COUNTY REVENUE AUTHORITY

CCMC, Case No. 240925. Plaintiff sues MCRA for injuries he sustained when he slipped and fell on a chemically coated pathway at Rattler Woods Golf Course. Plaintiffs allege that the defendant was negligent and careless in the maintenance of the premises. Plaintiffs also seek loss of consortium. Ad damnum \$570,000. (COLLIC)

KRAMER, SANFORD

2/13/03 Montgomery County Revenue Authority filed condemnation action and motion for preliminary injunction. \*Court denied Revenue Authority's Motion for Preliminary Injunction. (LATTNE)

LISA MAKI & GDSI PETITION TO STAY ARBITRATION (MCRA)

3/28/03 filed Petition to stay arbitration based upon Respondents' untimely demand for arbitration. \* Respondents removed case to federal court; court denied motion for preliminary injunction. (LATTNE)

**Ride-On**

ASABERE, CECILIA, AS MOTHER AND NEXT FRIEND OF MICHAELA ASABERE, A MINOR V. JOHN THOMAS RICHARDSON, ET AL.

DCMC, Case No. 060200084112003. Plaintiff complains that her minor daughter, a RideOn bus passenger, sustained injuries when RideOn bus collided with another vehicle. Ad damnum \$5,000. Trial July 30, 2003. \*Plaintiff's attorney agreed to voluntarily dismiss against the County since the driver of the bus is a contract employee for First Transit, Inc. Closed. (COLLIC)

BAKER, EDWARD B. V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 060200110892003. Plaintiff, a Ride-On bus passenger, alleges personal injuries when another vehicle made a right turn, without yielding, collided with the bus and fled the scene of the accident. This is a claim for uninsured motorist benefits only, not negligence. Ad damnum \$10,000. Trial August 13, 2003. (FREDEC)

BOND, DANIELLE V. SOW, MOUSTPHA, ET AL.

DCMC, Case No. 060200021232003. Plaintiff filed lawsuit against Ride-On bus driver Moustpha Sow and Montgomery County for battery, assault, malicious prosecution, negligent hiring or retention and respondeat superior. She alleges that Mr. Sow without provocation physically attacked her, and maliciously prosecuted her by filing false criminal charges against her, thereby causing physical and emotional injuries. Ad damnum \$25,000 in compensatory damages and \$25,000 in punitive damages asserted under each of 5 counts. Jury trial requested and case removed to circuit court. Filed answer and motion to dismiss. \*Hearing on motion June 3- plaintiff consented and motion granted with prejudice as to Montgomery County. Discovery served and depositions set for July 2. (VIAPP)

CARR, MAXINE V. PADILLA, APOLONIO, ET AL.

CCMC, Civil No. 237893V. Plaintiff, a passenger on a Ride-On bus, alleges personal injuries when Defendant Romulo Augusto Moran Palma's vehicle collided with the bus at the intersection of Monroe Place and Rockville Pike. Ad damnum \$100,000. Discovery on-going; depositions scheduled for May 12, 2003. (COLLIC)

CASTELLON, JUANA V. MONTGOMERY COUNTY

DCMC, Case No. 060200157892002. Plaintiff bus passenger alleges that he suffered injuries when the driver of Ride-On bus suddenly accelerated the bus without warning to the Plaintiff, who had not yet been seated. Ad damnum \$10,000. Discovery ongoing; Trial April 2, 2003; \*verdict for Defendant. (MULLOH)

CASTRO, SILVIA G. AND FIDEL CASTRO V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 232702. Plaintiffs allege that Silvia Castro was a passenger on a Ride-On bus that stopped suddenly and thereby caused her personal injury. Plaintiffs also seek loss of consortium. Discovery has begun. The defendant's motion to extend its expert deadline was filed and granted. Plaintiffs were allowed to identify medical experts late was granted, but their economist will not be allowed to testify. Discovery ongoing. A motion for summary judgment has been filed. Hearing date April 24, 2003. Summary judgment granted for the County. Plaintiffs filed a motion for new trial, which has been opposed. \* The new trial motion was denied. Ad damnum \$600,000. (FREDEC)



CEVALLOS, NATHALY V. SOTO, PEDRO A., ET AL.

DCMC, Case No. 060100193152002. Plaintiff alleges personal injuries and property damage when his vehicle was struck in the rear by a Ride-On bus while she was stopped at a red traffic signal. Discovery has begun. Trial date April 2, 2003. This case, as well as the claims of Plaintiff's minor children were settled before trial. Still awaiting closing documents. Ad damnum \$20,000. (FREDEC)

FLORES, FRANCISCA FLORES V. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, ET AL.

DCMC, Case No. 060100054862003. Plaintiff, a Metro bus passenger, alleges personal injuries when the Metro bus, while proceeding into the left turn lane, collided with the Ride-On bus. Ad damnum \$10,000. Trial October 1, 2003. (DICKER)

GRANT, ELMER V. MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, Case No. PJM03CV489. Plaintiff filed lawsuit claiming that Montgomery County, Maryland, and the United Food and Commercial Workers, Local 1994/Municipal and County Government Employees Organization (MCGEO) are liable to him based on breach of the union contract. Plaintiff claims that Montgomery County breached the collective bargaining agreement by failing to act in good faith and demoting him to a bus operator. Plaintiff seeks injunctive relief requesting that he be reinstated to his position as a transit coordinator and be paid all back pay and related benefits. Filed motion to dismiss or for summary judgment.

\*New hearing date to be set. (VIAPP)

GREEN, BRUCE V. MOHAMAED, OMAR ISLOW MOHAMAED, ET AL.

DCMC, Case No. 060100047162003. Plaintiff, Ride-On bus passenger, claims personal injuries when the bus driver allegedly drove the bus over a sidewalk, struck a tree, crashed over a wall and finally struck another passenger bus. Ad damnum \$10,000. \*Answer filed; trial set for 7/9/03; discovery ongoing. (MULLOH)

HAYES, LORRIE V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 060200038162003. Plaintiff claims personal injuries when Ride-On bus driver allegedly negligently backed the bus on the driveway of the Leafy Senior Apartment Home, Leafy Street, Rockville, Maryland. Ad damnum \$10,000. Answer filed; \* trial date continued. (MULLOH)

HUGHES, CATHERINE, ET AL. V. BRANNON, JACK FITZGERALD

DCMC, Case No. 060200085442003. Plaintiff claims property damage when a Ride-On bus driver allegedly backed up the bus and struck her car. Case settled. Ad damnum \$4,058.27. (ROBERJ)

KAMUHANDRA, EMILY V. LINDSAY BOOTT, ET AL.

CCPG, Civil No. 01-15995. Ride-On bus passenger claims injuries as a result of unsafe lane change in front of bus. Ad damnum \$900,000. Discovery ongoing. Motion to dismiss or in the alternative to change venue pending. Motion granted. Case transferred to CCMC; discovery ongoing. Depositions taken. (MULLOH)

KPETEMEY, MASSAN V. MONTGOMERY COUNTY GOVERNMENT

DCMC, Case No. 060100188342002. Plaintiff bus passenger claims personal injuries when Ride-On bus driver lost control of the bus. Ad damnum \$10,000.00. (DICKER)

KUNZLE, MICHAEL, PARENT AND NEXT FRIEND OF LYNDAL KUNZLE V. MONTGOMERY COUNTY, MARYLAND, ET AL.

DCMC, Case No. 060200219022002. Plaintiff alleges that his minor daughter incurred substantial physical injuries, damages, pain and suffering when the Ride-On bus pulled out into the intersection in an unsafe and negligent manner causing the bus to be struck by another vehicle. Ad damnum \$10,000. Answer filed; discovery ongoing. \*Case settled. (MULLOH)

LARDNER, OPHIA V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 060100269512002. Plaintiff alleges personal injuries and property damage when a Ride-On bus negligently hit her vehicle. Ad damnum \$10,000. Answer filed; discovery ongoing. Trial April 30, 2003.

\*Trial held - verdict for Defendant. (MULLOH)

LENKERSDORF, ARNOLD P. V. SILVIA HAWKINS, ET AL.

CCMC, Civil No. 234943. Plaintiff claims he was injured when Ride-On bus collided with the rear of his car. Ad damnum \$500,000. Answer filed; discovery ongoing; depositions taken. (MULLOH)

MUKADI, CHANTAL KAMBA, ET AL. V. MONTGOMERY COUNTY, ET AL.

CCMC, Civil No. 236455. Plaintiffs allege while traveling on a Ride-On bus on 9/18/99, the bus suddenly stopped, throwing them against the floor and other objects, causing injuries to the plaintiffs. Ad damnum \$ 1 Million. Answer filed; discovery ongoing. \*Trial date continued. (MULLOH)

NDEMBO, CHRISTINE V. EDWARDS, THELMA, ET AL.

CCMC, Civil No. 238732. Plaintiff, a Ride-On bus passenger, alleges negligent driving caused her to be ejected from her seat on the bus. Answer filed. Discovery has begun. Ad damnum \$500,000. (FREDEC)

NJOKU, MARTIN V. MONTGOMERY COUNTY

DCMC, Case No. 060200063952003. Plaintiff bus passenger alleges personal injuries when the Ride-On bus collided with another vehicle while entering the intersection. Ad damnum \$ 10,000. Discovery ongoing. Trial date 06/11/03. Motion to continue filed.\*New trial date 07/09/03. Second motion for continuance because witness unavailable. (LEONAP)

ORELIEN, MARIE V. MONTGOMERY COUNTY

DCMC, Case No. 060200169002002. Plaintiff alleges she suffered serious, permanent injuries as passenger on Ride-On bus when the bus driver allegedly negligently struck the curve. Ad damnum \$25,000. Answer and jury demand filed. Case transferred to CCMC; answer filed. Discovery ongoing. \*Case settled. (MULLOH)

PRINCESS ALLEYEN V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 060200266822002. Plaintiff alleges personal injuries when RideOn bus accelerated from stopped position causing her to fall. Ad damnum \$2,500. Settlement for nominal amount. (ROBERJ)

RAHMAN, HAFIZUR/ALLSTATE V. COUNTY RIDE-ON BUS

DCMC, Case No. 060200016352003. Plaintiff is alleging property damage when a RideOn bus collided with his vehicle. Ad damnum \$5,470.19. Discovery ongoing; trial date 6/18/03. Trial held; judgment for Defendant. (MULLOH)

ROBINSON, REBECCA V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 060100103452003. Plaintiff, Ride-On bus passenger, claims being thrown from her seat when the bus driver slammed on his brakes when he allegedly nearly ran into the rear of an automobile stopped ahead of him at a red light. Ad damnum \$10,000. Trial July 23, 2003. \*Answer and discovery filed. (MULLOH)

RUBIO, EDGAR V. BARBER, LISA, ET AL.

DCMC, Case No. 060100051522003. Plaintiff, a Ride-On bus passenger, claims personal injuries in a sudden stop incident. Plaintiff alleges that Ride-On bus driver suddenly applied brakes to avoid collision with a motor vehicle, which cut off the bus, causing him to fall backwards and sustain injuries. Ad damnum \$10,000. Trial set for August 6, 2003. Interrogatories served; cross claim and motion to dismiss filed. \*Motion denied by court. (VIAPP)

SECKE, LEOPOLD V. COLLINS, HENRY ARNOLD

DCPG, Case No. 050200393332002. Plaintiff alleges personal injuries when his vehicle was negligently struck by RideOn bus at red light. Ad damnum \$10,000. Discovery sent. Trial date 4/18/03. Complaints were also filed by the two other occupants of the vehicle and the three plaintiffs have filed a motion to consolidate their claims for one trial. Answers have been filed to each of the complaints. All three claims have been consolidated for trial which is scheduled for May 22, 2003. Discovery is completed. \*Judgment in favor of the three plaintiffs, but each of the plaintiffs was awarded less than their actual damages. Closed. (COLLIC)

TAE, MOON/ALLSTATE V. MONTGOMERY COUNTY

DCMC, Case No. 060200107292003. Plaintiff, through insurance company, Allstate, sues Montgomery County for an automobile accident that occurred on April 22, 2002. Plaintiff alleges property damage when a Montgomery County vehicle, abruptly and without warning, merged into the lane occupied by her and thereby collided with her vehicle. Ad damnum \$ 1,048.42. Trial August 6, 2003. (COLLIC)

THOMAS, ROSE V. MONTGOMERY COUNTY GOVERNMENT

DCMC, Case No. 060100076272003. Plaintiff claims personal injuries and property damage when a Ride-On bus allegedly collided with her vehicle while attempting to make left turn. Ad damnum \$10,000. Trial July 2, 2003. \*Liability was established. Case settled for less than ad damnum. Closed. (COLLIC)

TOLES, SENISA V. DOE, JOHN, ET AL.

DCMC, Case No. 060100190832002. Plaintiff bus passenger claims several injuries when the ride-on bus driver abruptly started the bus and didn't allow the plaintiff to safely secure a seat on the bus. Ad damnum \$10,000. (DICKER)

TOLES, SENISA V. DOE, JOHN, ET AL.

Judgement in favor of Defendant Montgomery County. CLOSE. (DICKER)

WRIGHT, TRACY L. V. MONTGOMERY COUNTY, MARYLAND, ET AL.

DCMC, Case No. 060100097882003. Plaintiff claims personal injuries when she was struck by a Ride-On bus while crossing the road at a "Walk" signal, in a wheelchair, within a marked crosswalk. Ad damnum \$10,000. Trial July 23, 2003. \*Answer and discovery filed. (MULLOH)

ZANDERS, WILTON V. MONTGOMERY COUNTY, MARYLAND RIDE-ON

DCMC, Case No. 060200144202002. Plaintiff, Ride-On bus passenger, claims personal injuries when the bus allegedly made a wide right turn, went through a railing, thereby crashing over a retaining wall. Ad damnum \$10,000. Answer filed; discovery ongoing

\*Case settled. (MULLOH)

*Sheriff's Office*

SANDERS, JAMES, ET AL. V. LYUBONIRSKY, ANATOLY, ET AL.

DCPGC, Case No. 0502-0006846-2003. Inmate plaintiffs allege personal injuries when the Montgomery County Sheriff's van, in which they were being transported from Seven Locks Detention Center to Silver Spring District Court, spun out of control to avoid collision with the vehicle in front of the van. Ad damnum \$50,000. Montgomery County Sheriff's Department has filed a Motion to Dismiss for improper venue and failure to name a proper party. Plaintiff has filed a subsequent motion to change venue to Montgomery County. The District Court for Montgomery County has granted the motion to dismiss. Closed. (COLLIC)

TIMPSON, PHYLLIS/ALLSTATE V. MONTGOMERY COUNTY

DCMC, 060200127032002. Plaintiff, through insurance company, Allstate, sues for property damage that occurred during automobile accident on November 2, 2000. Trigon has paid a portion of the Plaintiff's damages. Plaintiff is claiming rental bill in the amount of \$612.97. (DICKER)

WCC APPEAL

BEST, LINDA DIANE

CCMC, Civil No. 376862. Claimant appeals WCC decision regarding the amount of her permanent partial disability award. Discovery completed. Trial set for December 17-18, 2002. Claimant's attorney has filed a Motion to Remand the case to the Workers' Compensation Commission since he has impleaded the Subsequent Injury Fund. Therefore, the trial has been cancelled pending the outcome of the Commission's decision regarding the Fund's involvement, if any. (HINRIC)

BURDETTE, BONNIE J.

CCMC, Civil No. 220855. County appeals WCC finding that claimant sustained accidental injury. Discovery ongoing. Case stayed for 60 days. \*Motion to lift stay pending. (MULLOH)

CARTER, KATHRYN V.

County appeals WCC finding that claimant sustained an accidental injury. Case jointly dismissed and remanded. (MULLOH)

CLARK, SIDNEY

Trial set on nature and extent of the right knee on 6/18/03. Witness will be Deborah Prather, the supervisor. Discovery has been completed. (KARPEW)

DELMARR, PAUL A.

CCMC, Civil No. (not assigned yet). Claimant appeals WCC decision awarding permanent partial disability. Discovery ongoing. Case resolved through a stipulation and remanded to the Commission. Closed. (COLLIC)

DORSEY, FLOYD

Claimant appealed the denial of his accidental injury. The County filed a response to petition for judicial review. Discovery was included in the Claimant's Petition for Judicial Review. (KARPEW)

DREDGER, BRIAN M.

County appealed on whether the Claimant is actually disabled. Discovery has been completed. Pre-trial is set for June 6, 2003. Summary Judgement has been filed. Argument on the County's Summary Judgment Motion is scheduled for July 2, 2003. (KARPEW)

ERVIN, ERIKA J.

CCPG, Civil No. 01-29498, WMS 01-3615. Claimant appeals WCC decision finding she did not sustain an accidental injury arising out of and in the course of her employment. Discovery sent. Case settled and closed. (COLLIC)

FILYO, STEPHEN

Montgomery County v. Filyo, CCMC Case No. 236801, WMS No. 02-2683. Employer appeals decision of the Commission finding excessive permanent partial disability to the Claimant's shoulder. Appeal resolved by stipulating to a reduction in the permanent partial disability rating. Appeal dismissed. (COLLIC)

GILER, LILIANA M.

Appealed accidental injury on June 4, 2003.  
(KARPEW)

HARRIS, CARL F.

CCMC, Civil No. 231648. Employer appeals WCC decision finding the claimant sustained a compensable accidental injury as a result of his employment with the BOE. Discovery completed. Trial scheduled for 1/6/03. Case resolved through stipulated reduction in permanency award. Case closed. (COLLIC)

HOLMES, ROBERT W.

CCMC, Civil No. 228171. Claimant appeals WCC decision regarding amount of permanent partial disability award. Discovery sent. (KARPEW)

LANGSTON, DAMIAN G.

CCMC, Civil No. 233163. Claimant appeals decision of WCC regarding the ward of permanent partial disability. Discovery sent. Case settled and closed. (HINRIC)

LOWRY, PATRICIA A.

County filed appeal on issue whether the Commission can combine a scheduled and non-scheduled member to reach a higher tier of compensation. Motion for Summary Judgment filed. Argument is scheduled for 6/23/03. (KARPEW)

MUNFORD, KELVIN F.

Claimant appeals WCC decision 15% PPD, 2.5% attributable to claim and denial of TDD claim. Discovery proceeding. \*Dismissed with prejudice settled. (KARPEW)

NEWTON, LEON R.

CCMC, Civil No. 232107. Employer appeals WCC decision finding that claimant sustained an accidental injury. Discovery ongoing. Trial 1/22/02. \*Case remanded to WCC. (MULLOH)

OMENITCSH, PHILLIP V.

CCMC, Civil No. 234509. Claimant and employer filed cross-appeals of the WCC decision regarding compensability of the claimant's alleged occupational disease. Discovery sent. Case settled and closed. (COLLIC)

PAZOS, DAVID

Claimant appealed matter. Answered Discovery and Propounded Discovery. (KARPEW)

PERRY, CHRISTOPHER S.

County filed an appeal on the issue of disablement. Discovery was propounded on May 20, 2003 and the responded to on the same date. Dispositive Motion Deadline is July 30, 2003. Will file a motin for summary judgment upon receipt of the answers to my discovery. (KARPEW)

PHILLIPS, JOANN

CCMC, Civil No. 321568. Claimant appeals WCC award of permanency. Response filed. Discovery ongoing. \*Case settled. (MULLOH)

PITTS, GEORGE DAVID

County appeals WCC decision finding claimant's death from cardiomyopathy related to occupation as firefighter. Case stayed pending CA decision in City of Frederick v. Schankle. Case stipulated and remanded to the Commission. Closed. (COLLIC)

PRICHARD, WILLIAM

Montgomery County v. William Prichard, CCMC 236747, WMS No. 00-27. Employer appeals decision of Commission finding excessive percentage of permanent partial disability to the Claimant's back. Discovery sent. Stipulation filed with Commission agreeing to 5% reduction in permanent partial disability award. Appeal dismissed. (COLLIC)



REDDING, MICHAEL T.

Redding v. Montgomery County, CCMC case no. 237055, WMS No. 02-2489. Employee appeals decision of Commission finding no permanent partial disability to the back or left knee. Discovery sent. Case resolved by full and final settlement. Case closed. (COLLIC)

RUPRECHT, DEBORAH ELAINE

CCMC, Civil No. 228077. BOE appeals WCC award of medical treatment bills. Case settled and closed.  
(MULLOH)

SALVATIERRA-SINN, MILLARAY

Employee appealed Commission's order finding no accidental injury. County propounded discovery on May 14, 2003. The other side has not made any discovery demands to date.  
(KARPEW)

WIGGINS, PAMELA L.

CCMC, Civil No. 233151. BOE appeals WCC award of permanency. Discovery ongoing.  
\*Case remanded to WCC. (MULLOH)

WILLIAMS, ALICE M.

CCMC, Civil No. 221652. Plaintiff appeals WCC decision denying compensation for accidental injury. Discovery ongoing. Case stayed for 60 days. \*Trial held. Verdict for Employer/Insurer, BOE.  
(MULLOH)

**Department of Fire and Rescue Services**

BRIAN HAYDEN V. MONTGOMERY COUNTY

CCMC, Civil No. 239296. Claimant appealed WCC finding of no worsening of pulmonary condition. Settlement negotiations and discovery are underway. (HINRIC)

MONTGOMERY COUNTY V. STEPHEN EDNEY

Montgomery County appeals decision of WCC wherein a scheduled and non-scheduled member are combined for purposes of determining weeks of compensation. (Employee is public safety so "second tier" is not an issue.) (HINRIC)

MONTGOMERY COUNTY V. THADDUS ROBERTS

CCMC, Civil No. 241143. Montgomery County appeals WCC decision on the issue of disability. Discovery underway and MSJ will be filed. (HINRIC)

Montgomery County Government

MONTGOMERY COUNTY V. HELEN SMITH

\*CCMC, Civil No. 239539. Montgomery County appeals WCC decision based on the assertion that employee did not suffer an occupational disease. Discovery underway and MSJ filed. (HINRIC)

TAYLOR, KAREN

CSA 2983, CCFC, Civil No. 99-2273, WCC B445818. Claimant appeals WCC decision that cervical condition did not arise from employment. Claimant's motion for judgment granted. County appealed. CSA reversed and remanded February 21, 2002. No petition for writ of certiorari; case will return to Circuit Court. Awaiting new scheduling order from Frederick County Circuit Court. (COLLIC)

WILLIAMS, BERNARD E.

County appeals WCC decision denying County's right to set off claimant's retirement benefits against WCC benefits. Hearing on cross-motions for summary judgment June 27, 2002. Case resolved by outside counsel. (KARPEW)

Montgomery County Public Schools

WILLOUGHBY, RENEE S.

CCMC, Case No. (not yet assigned). Employer appeals WCC decision finding the claimant suffered a compensable accidental injury from being exposed to dust and bird droppings. Discovery completed. Expert consulted. Pretrial set for 1/31/03, but case stayed pending lung biopsy results from claimant. Lung biopsy may definitively define source and type of disease contracted by Claimant. Case set for trial on June 23, 2003. After deposing the Claimant's expert, the Claimant has agreed to a stipulation of dismissal of the appeal, and a remand to the Commission to pass a new Order finding the Claimant's lung disease is NOT related to her accidental injury. Appeal closed. (COLLIC)

## ***DIVISION SUMMARIES***

### ***I. LITIGATION DIVISION***

The Litigation Division defends the County and other Self-Insurance Fund members in legal actions alleging constitutional and common law torts, employment discrimination, medical malpractice, ADA and IDEA violations, workers' compensation claims and challenges to County laws.

#### **CASE CLOSEOUT REPORT FOR JULY 1, 1998, THROUGH JUNE 27, 2003**

The following summarizes the disposition of 679 liability cases that were closed by the Litigation Division from July 1, 1998, through June 27, 2003.

<b>Disposition</b>	<b>Number of Cases (FY 2003)</b>	<b>Number of Cases (Cumulative)</b>	<b>% of Cases (FY 2003)</b>	<b>% of Total Cases (Cumulative)</b>
Voluntary Dismissal	16	76	18%	11%
Resolution by Motion	32	260	38%	38%
(Motion to Dismiss)	23	171	27%	25%
(Motion for Summary Judgment)	9	89	11%	13%
Defense Verdict/Judgment	13	87	15%	13%
Plaintiff Verdict/Judgment	3	22	3%	3%
Settled	22	234	26%	35%
<b>Total</b>	<b>86</b>	<b>679</b>	<b>100%</b>	<b>100%</b>

### **Explanation of Categories**

**Voluntary Dismissal.** Plaintiffs sometimes voluntarily dismiss their cases. They do this for a variety of reasons: we file a dispositive motion against which they decide they will be unsuccessful, new facts come to light that make their success appear unlikely, or other unknown reasons.

**Resolution by Motion.** A motion is a request (generally in writing) to the court seeking to have the court dismiss a case or render judgment for the moving party. Motions generally contain legal argument in support of the resolution being sought. The two most common motions are motions to dismiss and motions for summary judgment.

**Defense Verdict/Judgment.** Judgment at trial before a judge or jury that finds in favor of the defense.

**Plaintiff Verdict/Judgment.** Judgment at trial before a judge or jury that finds in favor of the plaintiff.

**Settlement.** The parties agree that payment of some funds should be made to the plaintiff to resolve the case and conclude it.

**Favorable Outcome.** Any case that results in a judgment or verdict in favor of Montgomery County or another Self-Insurance defendant is considered to have a favorable outcome. We also consider any case to have a favorable outcome where we attempted to settle, the plaintiff rejected our offer of settlement, the judge/jury finds in favor of the plaintiff, but awards a figure lower than our last offer.

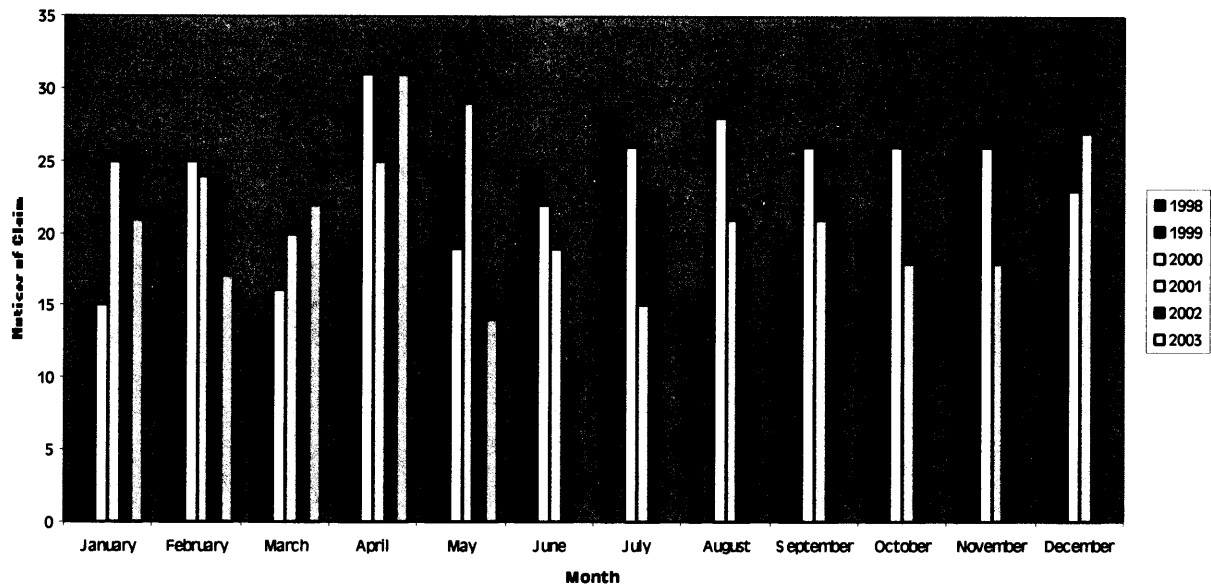
### SELECTED LITIGATION ACTIVITIES

<b>Month</b>	<b>New Lawsuits</b>	<b>Closed Cases</b>
January 2002	12	7
February 2002	7	7
March 2002	16	11
April 2002	7	4
May 2002	10	26
June 2002	14	18
July 2002	9	2
August 2002	17	12
September 2002	10	6
October 2002	9	3
November 2002	8	3
December 2002	16	7
January 2003	11	6
February 2003	14	3
March 2003	8	8
April 2003	17	18
May 2003	13	10
June 2003	20	8

**WORKERS' COMPENSATION SCHEDULED HEARINGS  
MONTHLY COMPARISON**

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
January	120	88	119	219
February	137	83	84	125
March	153	69	121	124
April	113	106	136	121
May	143	109	125	115
June	151	118	104	111
July	79	74	106	
August	142	136	96	
September	116	47	95	
October	134	111	127	
November	75	118	104	
December	115	98	91	
<b>TOTAL</b>	<b>1,478</b>	<b>1,156</b>	<b>1,308</b>	<b>815</b>

## NOTICES OF CLAIM



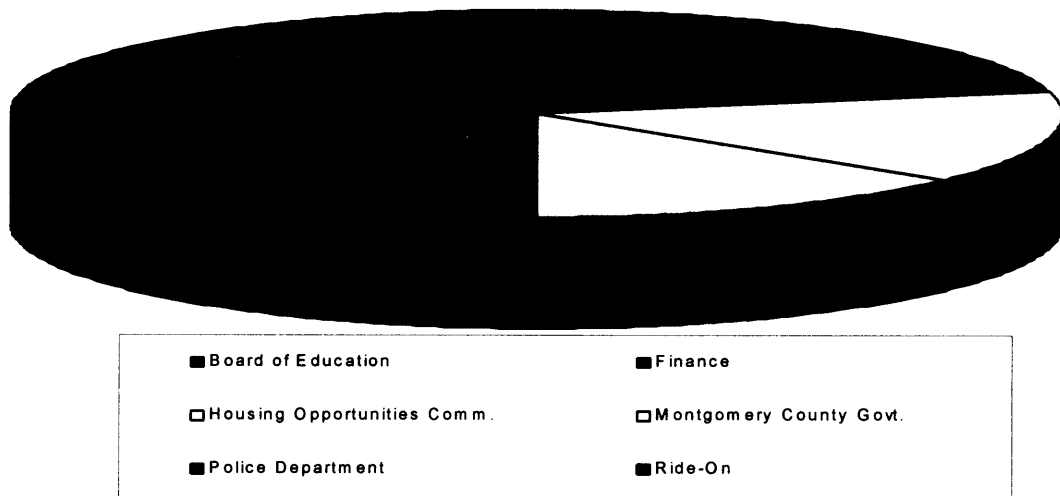
The Local Government Tort Claims Act requires any person who has been injured by a local government and who intends to sue to send a Notice of Claim to that local government within 180 days from the date of injury.<sup>1</sup> Without this notice, persons generally are not permitted to sue a local government or government employee.

This chart represents a month-by-month comparison of the Notices of Claim received by Montgomery County from January 1998 to May 2003.<sup>2</sup>

<sup>1</sup> The Local Government Tort Claims Act is in Sections 5-301 through 5-304 of the Courts and Judicial Proceedings Article of the Maryland Code Annotated. A local government, for purposes of the Act, includes all Maryland counties, Baltimore City and various municipal corporations.

<sup>2</sup> Data from the months of July and August 1999 are unavailable as this office was phasing in a new work management system during that time.

## Notices of Claim - May 2003



The above chart shows how the number of notices of claim are distributed among some of our client agencies and departments within Montgomery County in the month of May 2003.

*See the following page for breakdown by agency.*



## NOTICES OF CLAIM BY AGENCY/DEPARTMENT

AGENCY/DEPARTMENTS	Total 2000	Total 2001	Total 2002	Total 2003 YTD
Board of Appeals	0	0	0	0
Board of Education	40	32	26	18
City of Rockville	3	2	4	2
Corrections & Rehabilitation	14	26	14	3
Fire & Rescue Commission	0	1	0	0
Fire & Rescue Services	12	6	7	0
Health & Human Services	5	6	7	2
Housing & Community Affairs	2	3	4	0
Housing Opportunities Commission	3	1	2	2
Human Rights Commission	0	0	0	0
Libraries	1	0	1	0
Liquor Control	0	2	1	0
Misc.	32	19	17	13
Montgomery College	0	1	1	1
M-NCPPC	17	14	10	2
Permitting Services	1	3	2	2
Police Department	49	43	46	29
Public Works & Transportation- Ride-On	38	55	58	16
Public Works & Transportation- Other	56	32	26	14
Recreation	4	1	2	0
Sheriff	4	7	0	1
Wash. Suburban Sanitary	0	8	1	0
<b>TOTAL</b>	<b>283</b>	<b>262</b>	<b>229</b>	<b>105</b>

## SUBROGATION

### SUBROGATION CLAIMS RECEIVED AND DOLLAR AMOUNTS SOUGHT

Department	No. of Claims Received During May	FY03 Year to Date Claims Received	Total Amount of Dollars Sought by New Claims During May	Fiscal Year to Date Dollars Sought
County Police	3	21	\$15,000.17	\$309,143.61
Finance	0	1	\$0.00	\$10,000.00
Maryland-National Capital Park & Planning Commission	0	6	\$0.00	\$22,305.22
Montgomery County Public Schools	2	11	\$6,166.56	\$164,327.42
Public Works & Transportation	7	20	\$25,756.74	\$65,523.58
Recreation	0	0	\$0.00	\$0.00
Other Agencies	1	9	\$0.00	\$55,423.18
<b>TOTAL</b>	<b>13</b>	<b>68</b>	<b>\$46,923.47</b>	<b>\$626,723.01</b>

### SUBROGATION CLAIMS CLOSED AND PAID

Department	No. of Claims Closed During May	FY03 Year to Date Claims Closed	Total Amount of Dollars Paid During May	Fiscal Year to Date Dollars Paid
County Police	0	13	\$0.00	\$10,647.32
Finance	0	2	\$0.00	\$2,670.25
Maryland-National Capital Park & Planning Commission	5	10	\$0.00	\$5,808.17
Montgomery County Public Schools	1	15	\$0.00	\$46,370.53
Public Works & Transportation	1	13	\$60.00	\$4,494.85
Recreation	0	1	\$0.00	\$21,727.80
Other Agencies	11	20	\$0.00	\$8,171.47
<b>TOTAL</b>	<b>18</b>	<b>74</b>	<b>\$60.00</b>	<b>\$99,890.39</b>

## ***II. GENERAL COUNSEL DIVISION***

The General Counsel Division provides legal advice and acts as counsel to the County Executive and the County Council, as well as over 40 County departments, agencies, boards and commissions. The Division also prosecutes municipal infractions.

### **CODE ENFORCEMENT**

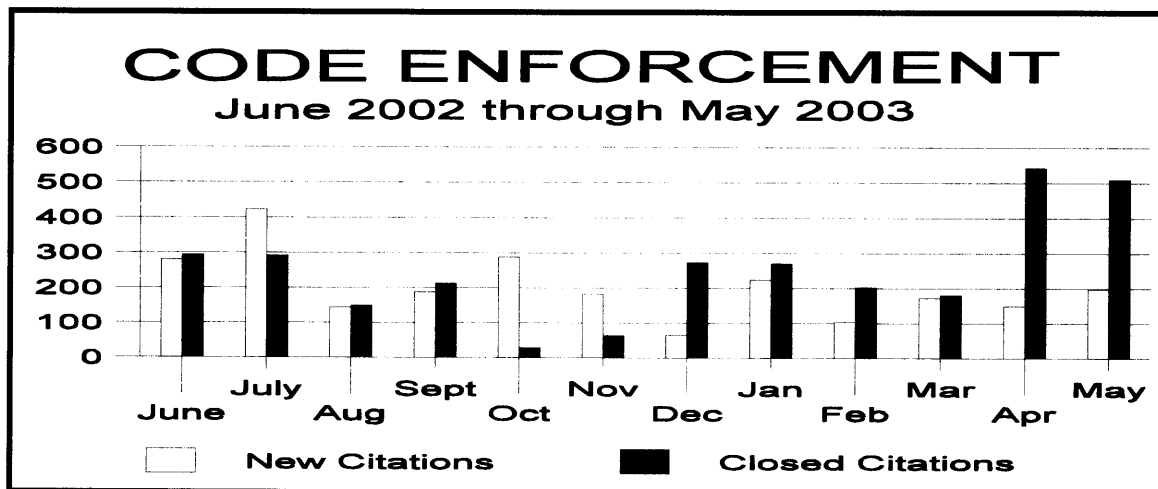
In May, 2003, the Code Enforcement team litigated 127 cases in Montgomery County District Court, resulting in judgments totaling \$23,340.00. The team received 198 new citations during the month, as itemized below with the amount of fines sought by those citations. A total of \$33,690.00 was collected in fines from outstanding cases for FY03. The County closed 510 outstanding cases after collecting fines and/or having violations abated, or referring cases to the Debt Collection Unit, during the month.

#### **CITATIONS RECEIVED BY DEPARTMENT AND FINES SOUGHT**

<b>Department</b>	<b>No. of Citations Received During May</b>	<b>FY03 Year to Date Citations Received</b>	<b>Total Amount of Fines Sought by New Citations During May</b>	<b>Fiscal Year to Date Fines Sought</b>
Animal Services Division	56	296	\$16,400.00	\$76,950.00
Board of License Commissioners	7	79	\$3,750.00	\$40,500.00
County Police	16	146	\$3,250.00	\$115,652.00
Environmental Protection	2	73	\$1,000.00	\$38,250.00
False Alarm Reduction Unit	3	69	\$1,500.00	\$34,500.00
Fire & Rescue Services	5	34	\$2,750.00	\$15,750.00
Health & Human Services	0	0	\$0.00	\$0.00
Housing & Community Affairs	38	513	\$19,000.00	\$218,950.00
Metro Police	5	171	\$300.00	\$11,500.00
Permitting Services	39	251	\$19,750.00	\$127,000.00
Public Works & Transportation	3	152	\$1,750.00	\$81,350.00
Taxi Services	24	355	\$3,000.00	\$39,857.00
<b>TOTAL</b>	<b>198</b>	<b>2,139</b>	<b>\$72,450.00</b>	<b>\$800,259.00</b>

### CITATIONS CLOSED BY DEPARTMENT AND AMOUNTS COLLECTED

Department	No. of Citations Closed During May	FY03 Year to Date Citations Closed	Total Amount of Fines Paid During May	Fiscal Year to Date Fines Paid
Animal Services Division	89	376	\$1,430.00	\$85,725.00
Board of License Commissioners	22	138	\$3,355.00	\$26,335.00
County Police	67	257	\$1,365.00	\$11,235.00
Environmental Protection	3	43	\$500.00	\$7,455.00
False Alarm Reduction Unit	7	70	\$2,500.00	\$29,550.00
Fire & Rescue Services	9	31	\$1,755.00	\$10,010.00
Health & Human Services	1	1	\$0.00	\$0.00
Housing & Community Affairs	122	526	\$4,435.00	\$39,759.00
Metro Police	65	251	\$1,205.00	\$6,173.00
Permitting Services	46	235	\$10,705.00	\$66,235.00
Public Works & Transportation	35	162	\$5,385.00	\$57,020.00
Taxi Services	44	421	\$1,055.00	\$20,210.00
<b>TOTAL</b>	<b>510</b>	<b>2,511</b>	<b>\$33,690.00</b>	<b>\$359,707.00</b>



## CONTRACTS/PROCUREMENT

See Appendix A.

## LAND USE CASES

*The following advanced takings and condemnation cases for road projects have been filed in the Circuit Court:*

### **Pending Filed Condemnations**

#### **509521 Falls Road Bike Path**

North, Carlton O., et al., WMS 02-4272. Filed 02/19/03.

#### **509521 Falls Road Bike Path**

Thompson, Joseph, et al., WMS 02-4273. Filed 02/19/03.

#### **509321 Norbeck Road Extended**

Patton, James C., et al., WMS 99-1546. Complaint filed 08/06/01.  
Discovery requests filed. Answer filed.

### **Pending Advance Takings Filed**

#### **509781 Briggs Chaney Road**

Gudelsky Assoc. I, WMS 97.06038. Filed 07/02/98.

#### **509942 Briggs Chaney Road, East of Rt. 29**

Robey Road Property Partnership, WMS 01-3028. Filed 01/09/03.

#### **509942 Briggs Chaney Road, East of Rt. 29**

Bottling Group, LLC, WMS 01-3026. Filed 01/09/03.

#### **509942 Briggs Chaney Road, East of Rt. 29**

E. L. Dieudonne, Jr., et al., WMS 01-3025. Filed 01/09/03.

#### **509942 Briggs Chaney Road, East of Rt. 29**

SSC Acquisitions, Inc., WMS 02-4330. Filed 02/07/03.

509954 Germantown Road Extended

Neelsville Community Association, WMS 01-3262. Filed 12/28/01.

JAJ Blunt Road Ltd. Partnership, WMS 01-3263. Filed 12/28/01.

Middlebrook Manor North Homeowners Association, Inc. WMS 01-3265.  
Filed 12/28/01.

500105 Goshen Road Bridge

Goshen Run Homeowners Association, Inc., WMS 02-1662. Filed 07/23/02.

507017 Intersection Improvements

Barman (Amoco), WMS 89.21962. Filed 08/04/89. Contract pending.

Exxon, WMS 97.04842. Filed 08/04/89. Contract received.

79-9169 Jonesville/Jerusalem

Coleman, WMS 87.02321. Filed 08/14/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Dorsey, WMS 87.02317. Filed 07/23/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Genues. Filed 07/23/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Harper, C., WMS 87.02855. Filed 08/14/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Harper, R., WMS 87.02312. Filed 07/23/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Heitmuller, WMS 87.02322. Filed 08/14/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Jerusalem Bap Ch., WMS 87.02323. Filed 08/27/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Johnson, WMS 87.02316. Filed 07/30/80. DPWT staff undertaking final negotiations with

some owners; title and appraisal updates will be ordered by DPWT.

Lyles, WMS 87.02318. Filed 07/29/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Noland. Filed 09/02/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Owens, WMS 87.02313. Filed 07/23/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

**508625 Middlebrook Road**

Gunners Lake Two Condominium Unit Owners. Filed 09/24/97. Condominium council requests settlement delay until project is completed.

**500311 Montrose Parkway West**

**Wilgus Associates Limited Partnership, WMS 03-1395. Filed 06/23/03.**

**Montrose Medical Associates, LLC, WMS 03-1396. Filed 06/23/03.**

**509321 Norbeck Road Extended**

Johnson, Lancelot, et al., WMS 97.06249. Filed 04/13/00. In negotiation.

Jones, Robert & Ida, WMS 99-1544. Filed 03/17/00. In negotiation.

Keibler, Barbara Ann Revocable Trust; Brogan, Margaret B., WMS 97.06248. Filed 04/13/00. In negotiation.

Nine, Robert & Helen, WMS 99-1548. Filed 03/24/00. In negotiation.

Payne, Joseph T. & Dorothy E. Filed 04/28/00. In negotiation.

**509274 Robey Road**

Bleil, D., WMS 97.08192. Filed 05/14/99. In negotiation.

Greencastle Manor. Filed 05/14/99. Individual contracts being negotiated with unit owners.

Greencastle Manor II. Filed 05/21/99. Individual contracts being negotiated with unit owners.

Vineyards Condominium Unit Owners. Filed 12/14/98. Individual contracts being negotiated with unit owners.



## LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS HEARING BOARD CASES

An alternate administrative hearing board procedure is used for cases started after July 1, 1996, for members of the bargaining unit. Under the alternate procedure, the Police Department and the FOP each select a board member. The County and the FOP jointly select a third board member from a panel of outside arbitrators.

### Trial Board Cases — 2001

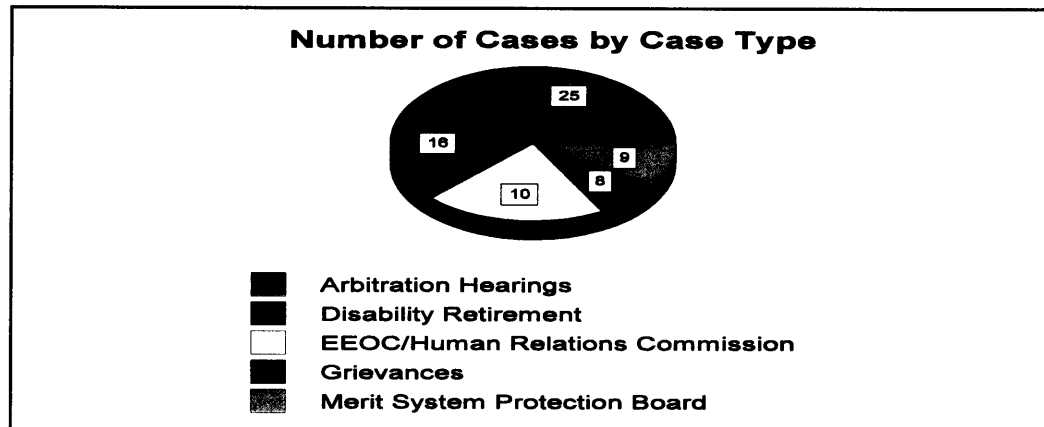
Case No.	Date	Charge(s)	Outcome
00-47	08/01	Inattentiveness to duty and neglect of duty/unsatisfactory performance	Settled by agreement on non-disciplinary counseling.
00-0059-FI	11/01	Use of force	Trial Board found officer not guilty.
00-0089-FI	11/01	Abuse of authority and use of force	Trial Board found officer not guilty.
00-91	10/01 11/01	Officer #1: Unsatisfactory performance Officer #2: Unsatisfactory performance	Officer #1: Accepted discipline. Officer #2: Case administratively closed after further review.
00-80	12/01	Officer #1: Lack of courtesy Officer #2: Lack of courtesy and discrimination	Case administratively closed after civilian witness permanently relocated out of the country.
01-0004-FI	12/01	Neglect of duty/unsatisfactory performance	Trial Board found officer guilty; discipline is pending

### Trial Board Cases – 2002

Case No.	Date	Charge(s)	Outcome
00-056-FI	01/02 02/12	Conformance to law Conduct unbecoming Conduct unbecoming	Guilty on charge 1 Not guilty on charge 2 Guilty on charge 3 discipline pending

## PERSONNEL/LABOR RELATIONS CASES

The following chart identifies the numbers and types of personnel cases being handled by the General Counsel Division.



Appendix B contains a summary of the General Counsel Division's Personnel Administrative Hearings Practice Group's non-SIF personnel cases.

### **III. SPECIALIZED UNITS**

#### **APPEALS UNIT**

The following tables reflect appellate wins and losses so far this fiscal year, the new appeals and closed appeals, and the distribution of new appeals by agency. For comparison, the same information is included for FY01 and FY02.

#### **WINS AND LOSSES**

	<b>FY03 To Date</b>	<b>FY02</b>	<b>FY01</b>
<b>Wins</b>	19	18	15
<b>Losses</b>	7	4	3

#### **NEW AND CLOSED CASES**

	<b>FY03 To Date</b>	<b>FY02</b>	<b>FY01</b>
<b>New</b>	28	28	34
<b>Closed</b>	36	20	20

The Appeals Unit ended the fiscal year with a number of successful outcomes. The United States Court of Appeals for the Fourth Circuit issued an unreported decision affirming the judgment entered in the County's favor in *Bruette v. Montgomery County*. In addition, the Court of Appeals denied requests for further review in several cases in which the County had prevailed before the lower courts, namely, *Curtis v. Gordon*, *NVR Homes v. Clerk of the Circuit Court for Anne Arundel County*, *Rosenberg v. Montgomery County*, *Dotson v. Calvo*, and *Marlin v. Montgomery County*.

### Distribution of New Appeals by Agency

Agency	FY 01	FY 02	FY03
Animal Matters Hearing Board	1	—	—
Board of Appeals	—	—	1
Board of Education	2	3	5
Corrections & Rehabilitation	2	1	—
County Council	2	3	—
County Executive	3	—	—
Environmental Protection	1	—	—
Finance	—	1	2
Fire & Rescue	—	—	2
Health & Human Services	1*	2	3
Housing & Community Affairs/COLTA	1	1	1
Housing Opportunities Commission	2	—	—
Human Resources	—	--	1
Human Rights Commission	—	--	1
Liquor Control	1	2	—
Merit System Protection Board	2	—	—
Montgomery County	3**	5+	1
Permitting Services	2*	1	1
Police Department	7***	4	7
Procurement	—	1	—
Public Works & Transportation	7**	1	3
Revenue Authority	1	2	—
Rockville City	—	1	—
<b>Totals</b>	<b>38****</b>	<b>28</b>	<b>28</b>

- \* The Department of Health and Human Services and the Department of Permitting Services are co-appellees in one of these appeals.
- \*\* Montgomery County and the Department of Public Works and Transportation are co-appellees in one of these appeals.
- \*\*\* The Merit System Protection Board and the Police Department are co-appellees in two of these appeals.
- \*\*\*\* When adjusted to eliminate the overlapping agencies, the total number of new cases is 34.
- + Two of these cases involve the County participating as an *amicus curiae*.

## CHILD AND ADULT PROTECTIVE SERVICES UNIT

The County Attorney's Child and Adult Protective Services Unit represents the Department of Health and Human Services' Division of Child Welfare Services in Juvenile Court, which is now part of the Circuit Court for Montgomery County. The Unit also represents the Department's Adult Protective Services and Public Guardianship units in the Circuit Court.

<b>Action- Child Welfare Services/ Juvenile Court</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003 To Date</b>
Number of Children in Need of Assistance (CINA) or Guardianship Hearings	1584	1614	1534	1426
Number of New CINA Petitions Filed	217	275	219	239
Number of CINA Cases Closed	281	300	239	214
Number of New Termination of Parental Rights (TPR) Petitions Filed	44	35	54	35
Number of TPRs Granted	63	42	25	54
Number of New Adoption Petitions Filed	34	61	40	27
Number of Adoptions Granted	40	60	39	21

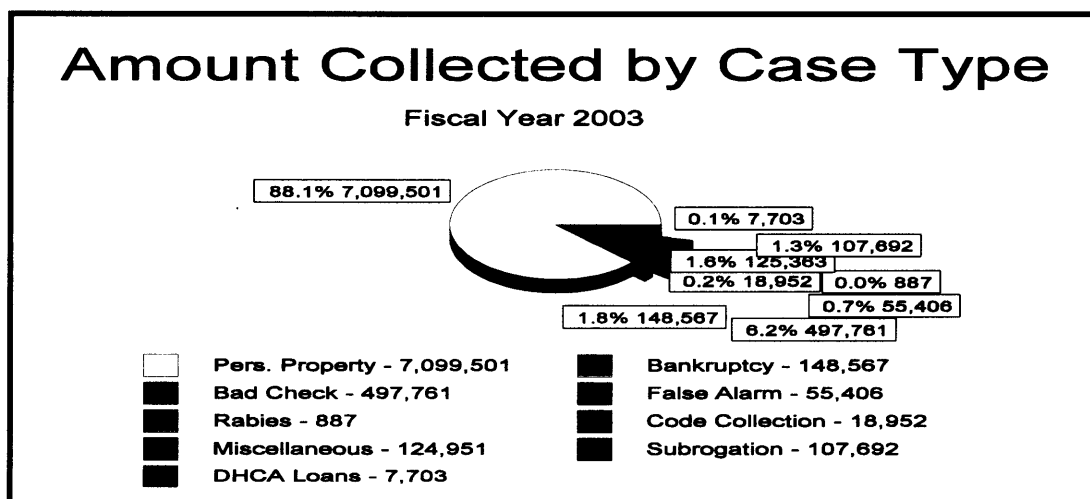
The CAPS Unit also represents the Public Guardianship Program, a highly specialized department within DHHS. For adults under 65, the Director of the Department of Health and Human Services may be appointed as guardian of the person. For adults over 65, the Director of the County Office on Aging may be appointed as guardian of the person. For both age groups, Maryland law stipulates that the County may only be appointed as guardian as a last resort, when there are no other viable alternatives.

<b>Action - Adult Protective Services/Circuit Court</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003 To Date</b>
Number of Adult Guardianship Hearings	44	36	37	46
Number of Adult Guardianship Petitions Filed	14	19	18	14

## DEBT COLLECTION UNIT

Between May 16, 2003, and June 15, 2003, the Debt Collection Unit collected \$537,076.60. The Unit collected a total amount of \$7,933,110.10 for fiscal year 03.

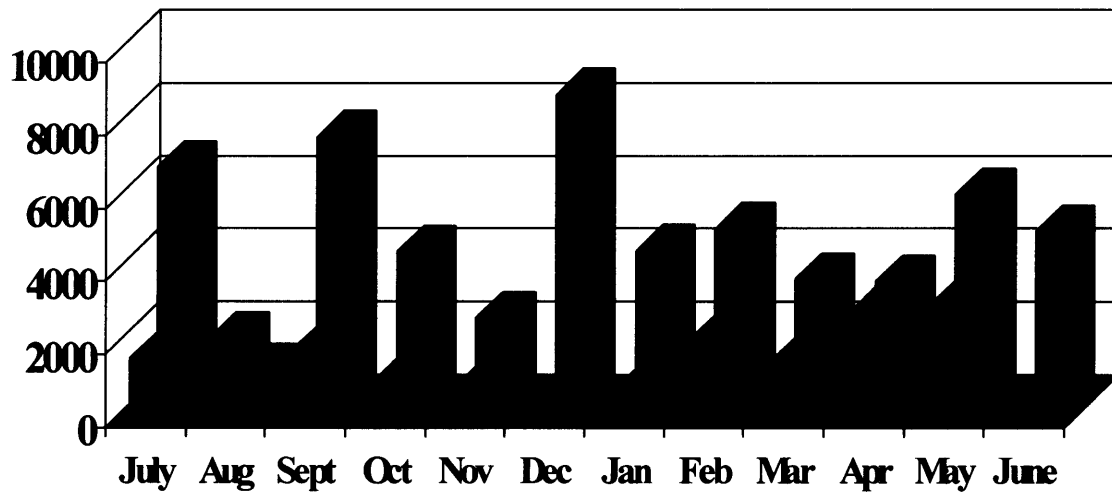
FISCAL YEAR COMPARISON OF COLLECTIONS					
MONTH	2000 GROSS	2001 GROSS	2002 GROSS	2003 GROSS	02/03 Over/(Under)
July	\$ 229,765.88	\$ 233,550.45	\$ 474,960.60	\$ 266,498.32	\$ (208,462.28)
August	\$ 214,551.34	\$ 221,134.25	\$ 313,661.84	\$ 251,600.37	\$ (62,061.47)
September	\$ 248,325.98	\$ 348,039.15	\$ 201,642.02	\$ 683,112.77	\$ 481,470.75
October	\$ 270,157.11	\$ 601,417.36	\$ 256,593.32	\$ 798,854.35	\$ 542,261.03
November	\$ 259,677.48	\$ 1,361,778.61	\$ 1,355,557.61	\$ 662,028.21	\$ (693,529.40)
December	\$ 298,044.92	\$ 662,465.89	\$ 122,182.93	\$ 585,474.48	\$ 462,879.55
January	\$ 330,225.45	\$ 787,124.41	\$ 752,277.02	\$ 818,026.52	\$ 65,749.50
February	\$ 216,643.59	\$ 519,610.83	\$ 320,913.29	\$ 859,821.73	\$ 538,908.44
March	\$ 212,344.28	\$ 1,584,492.38	\$ 422,674.87	\$ 2,054,573.64	\$ 1,631,898.80
April	\$ 193,439.76	\$ 509,583.55	\$ 336,586.40	\$ 661,956.86	\$ 325,370.46
May	\$ 275,405.63	\$ 4,469,234.96	\$ 2,093,361.50	\$ 419,719.04	\$ (1,673,642.46)
June	\$ 394,873.37	\$ 833,499.52	\$ 356,224.65		
Totals	\$ 3,143,454.79	\$12,131,931.36	\$ 7,006,636.05	\$ 8,061,665.90	\$ 1,410,842.90



**BAD CHECK AND PERSONAL PROPERTY TAX (PPT)  
CASE REFERRALS**

		<b>FY1999</b>	<b>FY2000</b>	<b>FY2001</b>	<b>FY2002</b>	<b>FY 2003</b>
<b>July</b>	Bad checks PPT	99 43	168 167	153 0	130 0	13 3
<b>August</b>	Bad checks PPT	247 51	47 757	193 0	171 0	302 1,081
<b>September</b>	Bad checks PPT	153 16	367 124	64 0	152 0	240 1
<b>October</b>	Bad checks PPT	125 --	141 82	601 0	138 116	61 6
<b>November</b>	Bad checks PPT	1 122	150 2	0 0	218 10	0 3
<b>December</b>	Bad checks PPT	107 2	65 1	146 0	98 1,296	232 33
<b>January</b>	Bad checks PPT	328 17	99 2	223 0	113 356	115 669
<b>February</b>	Bad checks PPT	69 451	0 1	83 2	200 5,283	220 0
<b>March</b>	Bad checks PPT	152 1	308 3	189 14	151 0	165 4
<b>April</b>	Bad checks PPT	217 --	141 0	87 0	50 1	11 5
<b>May</b>	Bad checks PPT	175 1,075	286 5,927	121 4,767	111 1	274 7
<b>June</b>	Bad checks PPT	130 1,539	55 0	112 0	163 0	
<b>Total Bad Checks</b>		1,803	1,827	1,972	1,695	1,633
<b>Total PPT</b>		3,317	7,066	4,783	7,063	1,812
<b>TOTAL</b>		<b>5,120</b>	<b>8,893</b>	<b>6,755</b>	<b>8,758</b>	<b>3,445</b>
<b>Avg/mo bad check</b>		150	152	164	141	148
<b>Avg/mo PPT</b>		276	589	398	588	164

## CODE JUDGMENTS COLLECTED BY DEBT COLLECTION UNIT



**YEAR TO DATE COLLECTION  
FOR FY03 \$18,952.00**

■ fy03  
 ■ fy02



***CONTRACTS REVIEWED BY DIVISION OF GENERAL  
COUNSEL***

May 16, 2003 - June 15, 2003

**APPENDIX A**

# ***PROC MATTERS - DAYS IN OFFICE BY CLIENT/AGENCY***

*Contracts closed from May 16, 2003 - June 15, 2003*

<b><i>WMS NO.</i></b>	<b><i>CAPTION</i></b>	<b><i>DATE OPENED</i></b>	<b><i>STATUS</i></b>	<b><i>CLIENT/AGENCY</i></b>	<b><i>ATTY</i></b>	<b><i>DATE CLOSED</i></b>	<b><i>DAYS IN OFFICE</i></b>
03-1437	NATIONAL NURSES SERVICES, INC.	5/20/2003	CLOSED	C&R	MARSIA	5/22/2003	2
03-1440	MAXIM HEALTHCARE SERVICES, INC.	5/20/2003	CLOSED	C&R	MARSIA	5/22/2003	2
03-1441	IDENTIX INC.	5/20/2003	CLOSED	C&R	MARSIA	5/22/2003	2
03-1567	DIAMOND DRUGS, INC.	6/3/2003	CLOSED	C&R	MARSIA	6/4/2003	1
03-1637	SOFTWARE AG, INC., CONTRACT # 2301000009AA, AMENDMENT # 2	6/9/2003	CLOSED	CA	MELNIR	6/9/2003	0
03-1638	AMERICAN LEGAL PUBLISHING CORP., CONTRACT # 9301000024AA, AMENDMENT # 6	6/9/2003	CLOSED	CA	MELNIR	6/9/2003	0
03-1639	LEXIS-NEXIS, CONTRACT # 2301000014AA, AMENDMENT # 2	6/9/2003	CLOSED	CA	MELNIR	6/9/2003	0
03-1394	XEROX CORPORATION	5/19/2003	CLOSED	CCMC	MELNIR	5/19/2003	0
03-1582	MONTGOMERY WEED CONTROL, INC.	6/5/2003	CLOSED	DED	FISHEJ	6/5/2003	0

*Thursday, June 26, 2003*

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<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
03-1720	SPAULDING & SLYE COLLIERS	6/9/2003	CLOSED	DED	FISHEJ	6/14/2003	5
03-1615	COSTAR REALTY INFORMATION, INC., CONTRACT # 0781000030AA, AMENDMENT # 3	6/10/2003	CLOSED	DED	FISHEJ	6/10/2003	0
03-1486	MEDTRONIC PHYSIO CONTROL CORPORATION	5/29/2003	CLOSED	DFRS	MARSIA	5/29/2003	0
03-1428	NORTHROP GRUMMAN SPACE AND MISSIN SYSTEMS CORP. TASK ORDER 18 ADDENUM NO. 3	5/21/2003	CLOSED	DIST	MELNIR	5/21/2003	0
03-1429	VERIZON MARYLAND, INC. AMENDMENT NO. 5	5/21/2003	CLOSED	DIST	MELNIR	5/21/2003	0
03-1485	CAPTION REPORTER, INC. AMENDMENT NO. 4	5/28/2003	CLOSED	DIST	MELNIR	5/29/2003	1
03-1403	FY 04 BETHESDA TMD AGREEMENT	5/20/2003	CLOSED	DPWT	BASAME	5/21/2003	1
03-1380	SG ASSOCIATES	5/19/2003	CLOSED	DPWT	MARSIA	5/19/2003	0
03-1402	BETTINGER, FERRELL AND DEMME, INC. AMENDMENT NO. 4	5/20/2003	CLOSED	DPWT	MARSIA	5/20/2003	0
03-1433	MARYLAND ENVIRONMENTAL SERVICE AMENDMENT NO. 4	5/21/2003	CLOSED	DPWT	MARSIA	5/22/2003	1
03-1434	THE CHRYSALIS GROUP, INC. AMENDMENT NO. 2	5/22/2003	CLOSED	DPWT	MARSIA	5/22/2003	0

Thursday, June 26, 2003

<i><b>WMS NO.</b></i>	<i><b>CAPTION</b></i>	<i><b>DATE OPENED</b></i>	<i><b>STATUS</b></i>	<i><b>CLIENT/AGENCY</b></i>	<i><b>ATTY</b></i>	<i><b>DATE CLOSED</b></i>	<i><b>DAYS IN OFFICE</b></i>
03-1646	BALDWIN LINE CONSTRUCTION, INC. AMENDMENT NO. 3	6/11/2003	CLOSED	DPWT	MARSIA	6/11/2003	0
03-1694	BRIDGE CONTRACT WITH FACILITY DYNAMICS ENGINEERING CORP.	6/11/2003	CLOSED	DPWT	MARSIA	6/13/2003	2
03-1695	SCHLINDLER ELEVATOR CORP. AMENDMENT NO. 1	6/13/2003	CLOSED	DPWT	MARSIA	6/13/2003	0
03-1698	BETHESDA URBAN PARTNERSHIP INC. AMENDMENT NO. 4	6/13/2003	CLOSED	DPWT	MARSIA	6/13/2003	0
03-1435	IBM CORP. AMENDMENT NO. 24	5/22/2003	CLOSED	DPWT	MELNIR	5/22/2003	0
03-1631	MONTGOMERY COMMUNITY TELEVISION INC. AMENDMENT NO. 6	6/11/2003	CLOSED	DPWT	MELNIR	6/11/2003	0
03-1343	CHEVY CHASE ON-LINE ACCESS SERVICE AGREEMENT	5/19/2003	CLOSED	FIN	FONCAS	5/23/2003	4
03-1550	BLOOMBERG, LP, CONTRACT # 7321000021AA, AMENDMENT # 3	6/3/2003	CLOSED	FIN	FONCAS	6/3/2003	0
03-1614	BLOOMBERG, LP, CONTRACT # 7321000021AA, AMENDMENT # 3	6/11/2003	CLOSED	FIN	FONCAS	6/14/2003	3
03-1586	SUBURBAN HOSPITAL, INC., CONTRACT # 0648001033BC, AMENDMENT # 3	6/5/2003	CLOSED	HHS	GOODWC	6/12/2003	7
03-1313	CITY OF GAITHERSBURG, CONTRACT # 3647004053AA	5/8/2003	CLOSED	HHS	RILEYB	5/19/2003	11

Thursday, June 26, 2003

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
03-1345	THE NATIONAL CENTER FOR CHILDREN AND FAMILIES, CONTRACT # 3647015009AA	5/14/2003	CLOSED	HHS	RILEYB	5/21/2003	7
03-1401	ASSOCIATION FOR THE STUDY AND DEVELOPMENT OF COMMUNITY, INC., CONTRACT # 3641502063AA	5/16/2003	CLOSED	HHS	RILEYB	5/20/2003	4
03-1410	THE ARC OF MONTGOMERY COUNTY, INC., CONTRACT # 9645001019AA, AMENDMENT # 3	5/19/2003	CLOSED	HHS	RILEYB	5/29/2003	10
03-1414	FLORENCE CRITTENDON SERVICES OF GREATER WASHINGTON, CONTRACT # 3646020008AA, AMENDMENT # 1	5/20/2003	CLOSED	HHS	RILEYB	5/21/2003	1
03-1432	ASSOCIATION FOR THE STUDY & DEVELOPMENT OF COMMUNITY, INC., CONTRACT # 3641502063AA	5/21/2003	CLOSED	HHS	RILEYB	5/26/2003	5
03-1442	UNIVERSITY OF MARYLAND/COOPERATIVE EXTENSION SERVICE, CONTRACT # 1645001008AA, AMENDMENT # 3	5/22/2003	CLOSED	HHS	RILEYB	5/29/2003	7
03-1443	ADVENTIST HEALTHCARE, INC., d/b/a WASHINGTON ADVENTIST HOSPITAL, CONTRACT # 2646001023AA, AMENDMENT # 2	5/22/2003	CLOSED	HHS	RILEYB	5/28/2003	6
03-1444	DANYA INTERNATIONAL, INC., CONTRACT # 2646007011DE, AMENDMENT # 2	5/22/2003	CLOSED	HHS	RILEYB	5/26/2003	4
03-1463	SILVER SPRING TEAM FOR CHILDREN & FAMILIES, INC., CONTRACT # 4647010001AA	5/22/2003	CLOSED	HHS	RILEYB	5/29/2003	7
03-1455	COMMUNITIY MINISTRIES OF ROCKVILLE, INC., CONTRACT # 0647001012DD, AMENDMENT # 4	5/27/2003	CLOSED	HHS	RILEYB	5/29/2003	2
03-1456	CATHOLIC CHARITIES OF THE ARCHDIOCESE OF WASHINGTON, INC., CONTRACT # 0647001012BD	5/27/2003	CLOSED	HHS	RILEYB	5/29/2003	2

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<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
03-1465	BOARD OF EDUCATION FOR MONTGOMERY COUNTY, MD, CONTRACT # 2646001012A, AMENDMENT # 1	5/27/2003	CLOSED	HHS	RILEYB	5/29/2003	2
03-1466	COMMUNITY RESIDENCES, INC., CONTRACT # 0647001012CD, AMENDMENT # 4	5/27/2003	CLOSED	HHS	RILEYB	5/29/2003	2
03-1487	MARYLAND CHILD SERVICES, INC., CONTRACT # 3641502034AA	5/28/2003	CLOSED	HHS	RILEYB	5/29/2003	1
03-1488	COMMUNITY SERVICES FOR AUTISTIC ADULTS & CHILDREN, INC., CONTRACT # 7645000190AA, AMENDMENT # 7	5/28/2003	CLOSED	HHS	RILEYB	5/29/2003	1
03-1489	AFFILIATED SANTE GROUP, CONTRACT # 2645001008AA, AMENDMENT # 2	5/28/2003	CLOSED	HHS	RILEYB	5/30/2003	2
03-1490	MENTAL HEALTH ASSOCIATION OF MONTGOMERY COUNTY, MD, INC., CONTRACT # 1647001001AA, AMENDMENT # 3	5/28/2003	CLOSED	HHS	RILEYB	5/30/2003	2
03-1556	THE LT. JOSEPH P. KENNEDY INSTITUTE, INC., CONTRACT # 4644026001AA	6/3/2003	CLOSED	HHS	RILEYB	6/11/2003	8
03-1557	MARYLAND TREATMENT CENTERS, INC., CONTRACT # 4644030001AA	6/3/2003	CLOSED	HHS	RILEYB	6/11/2003	8
03-1559	J&E ASSOCIATES, INC., CONTRACT # 0647001019AB, AMENDMENT # 4	6/3/2003	CLOSED	HHS	RILEYB	6/10/2003	7
03-1587	VANGUARD SERVICES UNLIMITED, CONTRACT # 0648001032AA, AMENDMENT # 3	6/5/2003	CLOSED	HHS	RILEYB	6/11/2003	6
03-1588	ST. LUKE'S HOUSE, INC., CONTRACT # 3648001003AA, AMENDMENT # 1	6/5/2003	CLOSED	HHS	RILEYB	6/9/2003	4

Thursday, June 26, 2003

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
03-1589	ST. LUKE'S HOUSE, INC., CONTRACT # 9648005004AA, AMENDMENT # 6	6/5/2003	CLOSED	HHS	RILEYB	6/10/2003	5
03-1590	ROCK CREEK FOUNDATION, INC., CONTRACT # 11957AA, AMENDMENT # 12	6/5/2003	CLOSED	HHS	RILEYB	6/10/2003	5
03-1591	ROCK CREEK FOUNDATION, INC., CONTRACT # 1645016002AA, AMENDMENT # 3	6/5/2003	CLOSED	HHS	RILEYB	6/10/2003	5
03-1592	ROCK CREEK FOUNDATION, INC., CONTRACT # 1648001010AA, AMENDMENT # 3	6/5/2003	CLOSED	HHS	RILEYB	6/10/2003	5
03-1594	WAY STATION, INC., CONTRACT # 2648005002AA, AMENDMENT # 2	6/5/2003	CLOSED	HHS	RILEYB	6/10/2003	5
03-1596	THRESHOLD SERVICES, INC., CONTRACT # 9648005005AA, AMENDMENT # 8	6/5/2003	CLOSED	HHS	RILEYB	6/11/2003	6
03-1603	MT. CALVARY BAPTIST CHURCH, CONTRACT # 3647004039BC	6/5/2003	CLOSED	HHS	RILEYB	6/9/2003	4
03-1604	COMMUNITY MINISTRY OF MONTGOMERY COUNTY, INC., CONTRACT # 3647004043AB	6/5/2003	CLOSED	HHS	RILEYB	6/9/2003	4
03-1605	COMMUNITY MINISTRY OF MONTGOMERY COUNTY, INC., CONTRACT # 3647004043BB	6/5/2003	CLOSED	HHS	RILEYB	6/9/2003	4
03-1607	LT. JOSEPH P. KENNEDY INSTITUTE, CONTRACT # 4645010008AA	6/5/2003	CLOSED	HHS	RILEYB	6/9/2003	4
03-1608	THE GREATER WASHINGTON JEWISH COALITION AGAINST DOMESTIC ABUSE, INC., CONTRACT # 4647001003AA	6/5/2003	CLOSED	HHS	RILEYB	6/10/2003	5

*Thursday, June 26, 2003*

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
03-1609	KOREAN-AMERICAN SENIOR CITIZENS ASSOCIATION, INC., CONTRACT # 4645001004AA	6/5/2003	CLOSED	HHS	RILEYB	6/10/2003	5
03-1611	SPANISH CATHOLIC CENTER, INC., CONTRACT # 4647001004AA	6/5/2003	CLOSED	HHS	RILEYB	6/10/2003	5
03-1641	COMMUNITY CONNECTIONS, INC., CONTRACT # 9644026064-14	6/5/2003	CLOSED	HHS	RILEYB	6/12/2003	7
03-1642	CENTER FOR ADOPTION SUPPORT AND EDUCATION, INC., CONTRACT # 9644026065-08, AMENDMENT # 2	6/5/2003	CLOSED	HHS	RILEYB	6/12/2003	7
03-1595	ALLIANCE FOR THE MENTALLY ILL OF MONTGOMERY COUNTY, MARYLAND, INC., CONTRACT # 0648001002AA, AMENDMENT # 5	6/6/2003	CLOSED	HHS	RILEYB	6/10/2003	4
03-1640	HOLY CROSS HOSPITAL, CONTRACT # 2646001024AA, AMENDMENT # 2	6/6/2003	CLOSED	HHS	RILEYB	6/10/2003	4
03-1644	SPANISH CATHOLIC CENTER, INC., CONTRACT # 2646001006AA, AMENDMENT # 3	6/9/2003	CLOSED	HHS	RILEYB	6/12/2003	3
03-1617	DINA E. REMINICK, CONTRACT # 3641502065AA, AMENDMENT # 1	6/10/2003	CLOSED	HHS	RILEYB	6/11/2003	1
03-1629	LT. JOSEPH P. KENNEDY INSTITUTE, CONTRACT # 4645010008AA	6/10/2003	CLOSED	HHS	RILEYB	6/12/2003	2
03-1632	SPANISH CATHOLIC CENTER, INC., CONTRACT # 4647001004AA	6/10/2003	CLOSED	HHS	RILEYB	6/11/2003	1
03-1633	KOREAN-AMERICAN SENIOR CITIZENS ASSOCIATION, INC., CONTRACT # 4645001004AA	6/10/2003	CLOSED	HHS	RILEYB	6/11/2003	1

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<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
03-1634	THE GREATER WASHINGTON JEWISH COALITION AGAINST DOMESTIC VIOLENCE, CONTRACT # 4647001003AA	6/10/2003	CLOSED	HHS	RILEYB	6/11/2003	1
03-1647	MONTGOMERY COUNTY COALITION FOR THE HOMELESS, INC., CONTRACT # 14797-AA, AMENDMENT # 28	6/10/2003	CLOSED	HHS	RILEYB	6/12/2003	2
03-1648	ON OUR OWN OF MONTGOMERY COUNTY, MARYLAND, INC., CONTRACT # 11866-AA, AMENDMENT #19	6/10/2003	CLOSED	HHS	RILEYB	6/12/2003	2
03-1649	MONTGOMERY COUNTY PUBLIC SCHOOLS, BOARD OF EDUCATION OF MONTGOMERY COUNTY, MD, CONTRACT # 0645001003AA,	6/10/2003	CLOSED	HHS	RILEYB	6/12/2003	2
03-1652	WINTER GROWTH, INC., CONTRACT # 2645001035-01, AMENDMENT # 2	6/10/2003	CLOSED	HHS	RILEYB	6/12/2003	2
03-1686	HOME INSTEAD SENIOR CARE, INC., CONTRACT # 2645001040AA, AMENDMENT # 2	6/11/2003	CLOSED	HHS	RILEYB	6/13/2003	2
03-1687	COUNSELING PLUS, INC., CONTRACT # 0648001033AC, AMENDMENT # 3	6/11/2003	CLOSED	HHS	RILEYB	6/13/2003	2
03-1650	SILVER SPRING COMMUNITY VISION, CONTRACT # 3647010009AA, AMENDMENT # 4	6/12/2003	CLOSED	HHS	RILEYB	6/13/2003	1
03-1651	PRIMARY CARE COALITION OF MONTGOMERY COUNTY, MARYLAND, INC., CONTRACT # 2646001055AA, AMENDMENT # 4	6/12/2003	CLOSED	HHS	RILEYB	6/13/2003	1
03-1688	MOUNT CALVARY BAPTIST CHURCH HELPING HANDS SHELTER, CONTRACT # 03488, AMENDMENT # 13	6/12/2003	CLOSED	HHS	RILEYB	6/14/2003	2
03-1689	COMMUNITY MINISTRY OF MONTGOMERY COUNTY, INC., CONTRACT # 3647004043BB	6/12/2003	CLOSED	HHS	RILEYB	6/14/2003	2

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<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
03-1721	SILVER SPRING TEAM FOR CHILDREN & FAMILIES, INC., CONTRACT # 4647010002AA	6/13/2003	CLOSED	HHS	RILEYB	6/14/2003	1
03-1529	MONTGOMERY COUNTY COALITION FOR THE HOMELESS, CONTRACT # 14797AA, AMENDMENT # 28	6/2/2003	CLOSED	HHS	WILSOW	6/5/2003	3
03-1530	ADVENTIST HEALTHCARE, INC., CONTRACT # 1648001032AA, AMENDMENT # 2	6/2/2003	CLOSED	HHS	WILSOW	6/5/2003	3
03-1531	COMPUTER LEARNING & RESOURCE CENTER, INC., CONTRACT # 6648000137AA, AMENDMENT # 14	6/2/2003	CLOSED	HHS	WILSOW	6/5/2003	3
03-1533	COMMUNITY CONNECTIONS, INC., CONTRACT # 3648001002AA, AMENDMENT # 2	6/2/2003	CLOSED	HHS	WILSOW	6/5/2003	3
03-1534	MENTAL HEALTH ASSOCIATION OF MONTGOMERY COUNTY, CONTRACT # 9648001023AA, AMENDMENT #4	6/2/2003	CLOSED	HHS	WILSOW	6/5/2003	3
03-1532	MENTAL HEALTH ASSOCIATION OF MONTGOMERY COUNTY, MARYLAND, CONTRACT # 0648005026AA, AMENDMENT # 7	6/3/2003	CLOSED	HHS	WILSOW	6/5/2003	2
03-1551	MID-COUNTY UNITED MINISTRIES, CONTRACT # 4647003007AA	6/3/2003	CLOSED	HHS	WILSOW	6/5/2003	2
03-1552	HOUSING OPPORTUNITIES COMMISSION, CONTRACT # 4647009004AA	6/3/2003	CLOSED	HHS	WILSOW	6/11/2003	8
03-1553	INTERAGES, INC., CONTRACT # 3646001039AA, AMENDMENT # 1	6/3/2003	CLOSED	HHS	WILSOW	6/5/2003	2
03-1584	MENTAL HEALTH ASSOCIATION OF MONTGOMERY COUNTY, MARYLAND, INC., CONTRACT # 9647017023AA, AMENDMENT # 6	6/5/2003	CLOSED	HHS	WILSOW	6/5/2003	0

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<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
03-1585	NATIONAL CENTER FOR CHILDREN AND FAMILIES, CONTRACT # 3644022016AA, AMENDMENT # 1	6/5/2003	CLOSED	HHS	WILSOW	6/11/2003	6
03-1554	DINA E. REMINICK, M.A., CONTRACT # 3641502065AA, AMENDMENT # 1	6/6/2003	CLOSED	HHS	WILSOW	6/10/2003	4
03-1491	LITERACY COUNCIL OF MONTGOMERY COUNTY, MD, INC., CONTRACT # 67110029AA, AMENDMENT # 8	5/29/2003	CLOSED	LIBR	FERBEB	6/6/2003	8
03-1399	RAGER, LEHMAN & HOUCK, CONTRACT # 0031000001AB, AMENDMENT # 4	5/19/2003	CLOSED	LO	MELNIR	5/20/2003	1
03-1542	ELECTRONIC DATA SYSTEMS CORPORATION, CONTRACT # 9505000155AB, AMENDMENT # 5	6/2/2003	CLOSED	MCPD	GAULV	6/2/2003	0
03-1411	LISA'S WEIGHT WELLNESS SOLUTIONS	5/19/2003	CLOSED	MCPD	GOODWC	5/30/2003	11
03-1413	MONTGOMERY COUNTY HUMANE SOCIETY, INC.	5/20/2003	CLOSED	MCPD	GOODWC	6/2/2003	13
03-1543	LISA'S WEIGHT WELLNESS SOLUTIONS	6/2/2003	CLOSED	MCPD	MARSIA	6/2/2003	0
03-1564	LISA'S WELLNESS SOLUTIONS, LLC	6/4/2003	CLOSED	MCPD	MARSIA	6/5/2003	1
03-1309	KELLY WHEELER	5/14/2003	CLOSED	PIO	GOODWC	5/19/2003	5

*Total Count*                      107

*Average days in office*                      3

# ***NON-SIF PERSONNEL CASES***

## **STATUS REPORT OF NON-SIF PERSONNEL CASES HANDLED BY THE DIVISION OF GENERAL COUNSEL**

This report has been prepared by the attorneys in the Personnel/Administrative Hearings Practice Group within the Division of General Counsel.

The non-SIF personnel cases being handled by the Personnel/Administrative Hearings Practice Group are listed in summary form. Since administrative cases involving employees are confidential (this information is public information once a suit is filed in court), the names of the employees involved in the cases have not been provided. The information is grouped by the administrative forum in which the case is being heard (e.g., Merit System Protection Board, Human Rights Commission, etc.). Changes from the last report appear in bold print.

**APPENDIX B**

## Union Arbitration Cases

Name of Case/ Assignment	Attorney Assigned	Date Rec'd	Status
Ct. A.	Lamson	04/18/97	Hearing Nov. 3, 4, & Dec. 11 & 23.
J.A.	Lamson	07/29/96	Hearing to be scheduled.
R.B.	Lamson	01/05/99	Hearing scheduled 02/24/99.
S.B.	Stevenson	01/20/00	Hearing to be scheduled.
A.C.	Lamson	09/07/97	Hearing to be scheduled.
C.D./P.S. Consolidated cases	Windle	07/14/97	Arbitrator assigned; waiting for hearing to be scheduled.
C.J. (FOP)	Windle	12/30/98	Hearing to be scheduled.
MCCFFA	Lamson	04/13/99	Hearing scheduled 08/12/99.
M.E.	Lamson	06/05/98	Hearing to be scheduled.
A.H.	Lamson	06/21/96	Hearing to be scheduled.
J.H.	Lamson	08/18/94	Hearing to be scheduled.
K.J.	Lamson	04/09/96	Hearing to be scheduled.
R.J.	Lamson	07/29/96	Hearing to be scheduled.
C.L.	Lamson	07/16/98	Hearing scheduled 03/04/99 and 03/05/99.
W.L.	Lamson	07/20/99	Hearing to be scheduled.
C.M. FOP	Windle	03/24/97	Hearing to be scheduled.
S.M.	Lamson	06/05/98	Hearing to be scheduled.
S.M.	Stevenson	06/06/02	Hearing to be scheduled.
C.P.	Lamson	10/13/98	Hearing to be scheduled.
D.Q.	Windle	06/23/99	Arbitration scheduled 04/13-14/00; arbitration rescheduled; one day hearing held 01/11/01 on issue of arbitrability - due date for brief to be scheduled. Awaiting court appeal decision in case involving same issue.
A.S.	Windle	12/09/00	Arbitrator assigned. Hearing scheduled for 11/26 & 11/27/01. Rescheduled for 12/20/01 - 12/21/01. Awaiting transcripts. Closing memos due 30 days after delivery. Closing memos due 03/15/02. Closing memos filed 03/15/02. Awaiting arbitrator's decision. Arbitrator's decision issued 08/15/02. Bifurcated case. Union prevailed on issue of arbitrability so third day to be scheduled to present merits. <b>June 20, 2003, arbitrator proposed third day to hear merits on November 6, 2003.</b>
J.S.	Lamson	07/29/96	03/12/97 hearing; awaiting decision.

<b>Name of Case/ Assignment</b>	<b>Attorney Assigned</b>	<b>Date Rec'd</b>	<b>Status</b>
Relief Picks	Lamson	06/01/98	Request for clarification pending..
L.W.	Lamson	06/08/98	Hearing to be scheduled.
T.W.	Windle	01/19/93	Hearing to be scheduled.

### **Appeals to the Merit System Protection Board**

<b>Name of Case/ Assignment</b>	<b>Attorney Assigned</b>	<b>Date Rec'd</b>	<b>Status</b>
J.A.	Lamson	09/01/96	Filed response; awaiting decision.
J.B.	Lamson	09/96	Hearing scheduled 07/30, 10/25-28.
<b>D.C.</b>	<b>Windle</b>	<b>06/12/03</b>	<b>Appeal of termination due to RIF. Pre-hearing submissions to MSPB due 07/02/03.</b>
W.F.	Lamson	09/11/97	Pending.
<b>N.H.</b>	<b>Windle</b>		<b>Grievant appeal to MSPB of CAO decision.</b>
W.N.	Windle	08/16/02	Attorney fees, offset of back pay pending before MSPB. MSPB issued final orders on attorney fees, offset of back pay.
T.P.	Lamson	06/10/96	Prehearing conference held.
J.S.	Stevenson	01/29/03	<b>06/13/03 Merit Board sustained the grievance.</b>
J.W.	Stevenson	02/27/03	<b>06/11/03 Merit Board denied the grievance.</b>

### **Disability Retirement Appeals**

<b>Name of Case/ Assignment</b>	<b>Attorney Assigned</b>	<b>Date Rec'd</b>	<b>Status</b>
L.A.	Lee/Stevenson	07/02/01	Hearing held 08/28/02. Awaiting decision.
C.B.	Pashler/ Stevenson	06/10/02	<b>06/16/03 appeal denied. CAO decision sustained.</b>
S.B.	Stevenson	11/10/99	Hearing held 05/19/03; awaiting decision.
H.C.	Lamson	05/15/98	Review status.
J.D.	Stevenson	04/03/02	Hearing held 09/17/02; awaiting decision.
D.E.	Lamson	12/15/96	Pending.
A.H.	Pashler/ Stevenson	11/13/01	Hearing to be scheduled.

<b>Name of Case/ Assignment</b>	<b>Attorney Assigned</b>	<b>Date Rec'd</b>	<b>Status</b>
A. H.	Lee/Stevenson		Hearing held 01/31/02. Awaiting decision.
C.H.	Lamson	11/13/98	Hearing to be scheduled.
E.M.	Lamson	05/03/96	Pending.
R.M.	Windle	02/07/03	Hearing scheduled for 07/01/03.
J.N.	Pashler/ Stevenson	02/05/02	Hearing to be scheduled.
P.P.	Lee/Stevenson	03/04/02	Hearing held 05/15/02; awaiting decision.
S.P.	Lamson	04/30/96	Hearing to be scheduled.
D.S.	Stevenson	01/10/01	Hearing to be scheduled.
K.S.	Windle		Hearing on permanency of disability set 03/01/00; postponed pending grievance arbitration on 03/25&26/00; awaiting OMS determination of employee fitness to return to work. Employee found fit. Temporary non-service connected disability discontinued. Employee appealing. Hearing on permanency set for 01/29/01. Case remanded to Medical Review Panel for review of further medical information. MRP denied disability. New arbitration scheduled 10/03/02. Position found for employee. Case referred back to Medical Review Panel to determine appropriateness of position in light of medical condition.

#### **Grievances Under A.P. 4-4**

<b>Name of Case/ Assignment</b>	<b>Attorney Assigned</b>	<b>Date Rec'd</b>	<b>Status</b>
A.A., et al	Lamson	11/07/97	Hearing to be rescheduled.
J.C.	Windle	05/16/03	<b>Grievance of involuntary shift transfer.</b>
J.D.	Lamson	06/01/98	Confidential.
J.D.	Lamson	06/10/98	Confidential.
J.D.	Lamson	06/10/98	Confidential.
N.H.	Windle	09/01/02	Remand from MSPB for rehearing, scheduled 10/24/02. Settlement talks underway. Settlement failed. Meetings held 10/24, 11/20, 12/10/2002. Awaiting findings of fact. <b>CAO decision issued. Grievance denied.</b>
D.M.	Windle	09/10/02	Meeting held 12/19/02. Awaiting draft findings of fact. Responded to findings of fact 02/06/03. Awaiting fact finder's decision. CAO denied grievance.
J.Q.	Lamson	03/24/97	Hearing to be scheduled.

### **Human Rights Commission/EEOC Cases**

<b>Name of Case/ Assignment</b>	<b>Attorney Assigned</b>	<b>Date Rec'd</b>	<b>Status</b>
D.B.	Windle	06/02/99	Response sent 06/25/99. Awaiting decision.
I.B.	Stevenson	08/27/93	04/14/03 brief filed with Employment Panel requesting rejection of Hearing Examiner's report.
M.B.	Lamson	03/19/96	Pending.
R.B.	Windle	07/15/99	Mediation being considered.
J.D.	Windle	02/09/01	Response filed 03/01/01.
E.G.	Stevenson	08/20/02	10/02/02 response to HRC filed.
P.G.	Windle	02/15/00	Response filed 03/24/00.
C.H.	Lamson	11/13/96	Pending.
A.J.	Lamson	06/01/00	Request for information due 08/01/00.
R.W.	Windle	05/22/01	To be scheduled.



# ***GLOSSARIES***

## ***GLOSSARY OF LEGAL TERMS***

Ad damnum – That part of a Plaintiff's original court papers that sets out the money loss or "damages."

Amicus Curiae – Literally, a friend of the court. A non-party to a case who files a brief with the appellate court to propose a rationale consistent with its views.

Appellant – The person who appeals a case to a higher court.

Appellee – The party in a case against whom an appeal is taken.

Bifurcate Claims – Separate claims on different issues in the same case.

Brief – A written statement prepared in a lawsuit to explain a case to the judge. It usually contains a fact summary, law summary, and an argument about how the law applies to the facts.

Compensatory Damages – Actual damages directly related to the amount of loss.

Defendant – The person against whom a legal action is brought.

Deposition – The taking of a witness's sworn testimony out of court.

Discovery – The formal and informal exchange of information between sides in a lawsuit.

En banc – All the judges of a court participating in a case all together, rather than individually or in panels of a few.

Forma pauperis – The bringing of an action "as a pauper." Permission to sue in court without paying any court costs.

Injunction – A judge's order to a person to do or to refrain from doing a particular thing.

J.N.O.V. – (Judgement Notwithstanding the verdict) A judge's giving judgment to one side in a lawsuit even though the jury gave a verdict to the other side.

Motion for Summary Judgment – A request that a judge make a ruling which shows that there is no need to resolve any factual questions at trial.

## **APPENDIX C**

Petition for Writ of Certiorari – A request by a party that a higher court ask the lower court for the record of the case.

Plaintiff – A person who brings a lawsuit against another person.

Pre-Suit Mediation – The County Attorney's Office reviews a claim in an effort to resolve it before a lawsuit is filed.

Pro hac vice – For this one particular occasion only.

Punitive Damages – Extra money given to punish the defendant and to help keep a particularly bad act from happening again.

Quantum Meruit – “As much as he deserved.” The theory of fair payment for work done.

Remand – To send back.

Res Ipsa Loquitur – A rebuttable presumption that a person is negligent if the thing causing an accident was in his or her control only, and if that type of accident does not usually happen without negligence.

Stay – To stop or hold off.

Sua sponte – Of his or her own will; voluntarily. On a judge's own motion, without a request from one of the parties.

Subrogation – The lawful substitution of a third party in place of a party having a claim against another party. Insurance companies, including the Montgomery County Self-Insurance Fund, generally have the right to step into the shoes of the party whom they compensate and sue any party whom the compensated party could have sued.

Tort – A legal wrong done to another person. For an act to be a tort, there must be: a legal duty owed by one person to another, a breach of that duty, and harm done as a direct result of the action.

Vicarious Liability – Legal responsibility for the acts of another person because of some relationship with that person (i.e. an employer for acts of an employee).

# **GLOSSARY OF COURTS AND CASE TYPES**

## **Courts**

**CA** – Court of Appeals

**CCAAC** – Circuit Court for Anne Arundel County

**CCBC(ity)** – Circuit Court for Baltimore City

**CCCC** - Circuit Court for Carroll County

**CCFC** - Circuit Court for Frederick County

**CCHC** - Circuit Court for Howard County

**CCMC** – Circuit Court for Montgomery County

**CCNC** – Circuit Court for the City of Norfolk

**CCPG** – Circuit Court for Prince George’s County

**CSA** – Court of Special Appeals

**DCBC(ity)** – District Court Baltimore City.

**DCMC** – District Court of Maryland for Montgomery County

**DCPG** – District Court of Maryland for Prince George’s County

**Fourth Circuit** – United States Court of Appeals for the Fourth Circuit. This is the intermediate appellate court for Maryland in the federal judicial system.

**USDC** – United States District Court

**USDC/E.D.PA.** – United States District Court for the Eastern District of Pennsylvania

*Case Types*

*BD App.* – Board of Appeals

*CC App.* – Circuit Court Appeal

*CE* – Code Enforcement

*CDMN* – Condemnation Case

*MD-HRC* – Maryland Human Relations Commission Case

*MSPB* – Merit System Protection Board

*NSF* – Non-Self Insurance Fund Case

*NSF App* – Non-Self Insurance Fund Appeal

*PSM* – Pre-suit Mediation

*PSR* – Pre-suit Resolution

*SIF* – Self Insurance Fund Case

*SIF App* – Self Insurance Fund Appeal

*SUBRO* – Subrogation Case

*WCC* – Workers' Compensation

*WCC App* – Workers' Compensation Appeal

*Z/LU* – Zoning/Land Use

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